

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY
TUESDAY, MARCH 31, 2009**

Chairman Dilts called the Authority into session in the Executive Boardroom of the Authority's Administration Offices, Woodbridge, New Jersey, at 9:35 A.M.

PRESENT

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

Executive Director Diane Gutierrez-Scaccetti; 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 Judy Verrone and Dawn O'Connor; General Consultant James Beattie; Governors' Authorities Unit Representative Sonia Frontera; NJDOT Policy and Authorities Coordination Representative Kathy Diringer; additional individuals consisting of other NJTA employees; interested organizations; the general public; and from the media: the Associated Press; the Asbury Park Press; and The 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 special meeting of February 9th and the regular meeting of February 24th; 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 special meeting of February 9, 2009 and the regular meeting of February 24, 2009 were approved.

RECUSALS

The Secretary reported that advisements of recusal have been submitted regarding agenda items: 79N-09, 80-09, 81-09 for Chairman Dilts; 61-09 and 79O-09 for Commissioner Hodes; 68-09, 69-09, 71-09, 72-09 and 77A-09 through 78B-09 for Commissioner Pocino; and

69-09, 72-09, 77A-09, 78A-09 and 78B-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 Pocino, 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.

(At this time, Commissioner Diaz joined the meeting via telephone conferencing.)

PERSONNEL

60-09

Human Resources Director Garrity submitted the Personnel Agenda, dated March 31, 2009, and requested confirmation of the personnel matters contained therein.

The Executive Director certified the recommendation for consideration.

On motion by Commissioner DuPont, seconded by Commissioner Evans, 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 items 61-09 through 66-09; moved as a group, those items are as follows:

61-09

In a memorandum dated March 19, 2009, concerning the recommendation to Purchase Property Necessary for the Turnpike New County Road Grade Separation Project Turnpike Section 7C; Parcel 621; Part of Block 26, Lot 2, Township of Secaucus, Hudson County, Owner: United Water New Jersey Inc., Project No. 06510013.

On July 14, 2004, the Authority's Commissioners granted the Executive Director authority to take all steps necessary to prepare for acquisition of property required for the New County Road Grade Separation Project ("Project"). The property required for the project consists of a 0.290 acre parcel (Parcel No. 621). In furtherance of the acquisition of the above property, an appraisal was obtained and the property owner was contacted by the Authority with an offer to purchase the property. The Authority entered into good faith negotiations with the owner and its counsel for the purchase of same based on the appraised value and laws governing its power of eminent domain. Despite such negotiations, the Authority was unable to reach an agreed upon purchase price with the owner and the Authority commenced condemnation proceedings. After a Commissioner's Hearing and further negotiations the Authority's Law Department, in consultation with Special Counsel (Wilentz, Goldman & Spitzer, PA), recommends the payment of \$490,000 for the acquisition of the property necessary for the Project.

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.

Based on the foregoing, it is requested that the Authority's Commissioners authorize the Executive Director to take any and all steps to acquire the above property in the amount set forth above, including payment of any interest or costs assessed by the Court or required by law, and to ratify any and all steps taken by the Executive Director in furtherance of same. 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.

62-09

In a memorandum dated March 20, 2009, concerning the recommendation to **Purchase Wetland Mitigation Credits, 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.

The design of the Widening Program has resulted in unavoidable wetlands impacts that are detailed in the Freshwater Wetlands Individual Permit (FWIP) application that has been submitted to the New Jersey Department of Environmental Protection (NJDEP) and which is currently under review. The Authority and its Environmental Consultant (EC), The Louis Berger

Group, Inc., in consultation with the Authority's General Counsel, DeCotiis FitzPatrick Cole and Wisler, LLP, have been working diligently with the NJDEP to formulate a plan that would provide adequate compensatory mitigation for the wetlands impacts in accordance with applicable law. There are various allowable options to applicants including creation of wetlands from uplands, enhancement of existing wetlands, restoration of disturbed wetlands, preservation of wetlands, payment in lieu of fee, and purchase of credits from a mitigation bank. Originally, discussions with the NJDEP and two Federal agencies that review the NJDEP's permitting, recommended a mitigation strategy that involved the use of land owned by the Authority and/or the purchase of additional land for the purposes of creating wetlands as this option provides a high yield of mitigation credits per acre and, secondarily could serve as a source of borrow material for the Widening Program from the excavation involved with the wetland creation. Accordingly, in 2008 the Authority began to purchase properties recommended by the EC for mitigation following an assessment of the properties for multi criteria suitability factors, and a site visit with a representative of NJDEP.

In November of 2008, the NJDEP advised the Authority and its EC that it had undergone a "change in direction" with respect to creating wetlands for mitigation. This change was accompanied by a need to show NJDEP that substantial mitigation will be in place at the start of the roadway construction. As a result, the EC in coordination with the NJDEP has looked at other options to fulfill the mitigation requirements. One such option, which has been discussed with and accepted by NJDEP representatives, is the purchase of mitigation credits from a NJDEP-approved wetland mitigation bank. In some instances, this approach is more cost effective than the previously recommended mitigation strategy. The EC has identified Rancocas Investments, LLC, a NJDEP approved wetlands mitigation bank, as the source of approximately 16.9 NJDEP approved (or soon to be approved) wetlands credits that are available for purchase for approximately \$185,000 per credit. The purchase of these credits would serve to fulfill a portion of the Widening Program's mitigation requirements with respect to the impacts to the Delaware River basin.

Based on the foregoing, it is requested that the Authority's Commissioners authorize the Executive Director and Director of Law, in consultation with the Engineering Department, the EC and General Counsel, to take all steps necessary to purchase the wetlands credits as described above in an amount not to exceed \$3,126,500.00.

63-09

In the memorandum dated March 23, 2009, concerning the recommendation to **Enter into Agreement with Consolidated Rail Corporation (Conrail) for the Purchase of Certain Real Estate Interests Necessary 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 later this year.

In order to complete the Widening Program, the Authority must obtain from Consolidated Rail Corporation ("Conrail") a temporary construction license and a permanent easement, or other appropriate property interest that would allow for the construction of a portion of the Turnpike Widening. Specifically the Authority seeks to (i) lower that portion of the Turnpike which crosses over a portion of the Conrail owned line known as the Hightstown Industrial Track (the "Rail Line") in Cranbury Township to a point no less than 17 feet above the Rail Line; (ii) erect bridge abutments, piers and appurtenances in the Conrail right-of-way (ROW) under the Turnpike to support the Turnpike Widening (the "Bridge Abutments") and (iii) shift the Rail Line as required for the implementation of the design. At a date to be agreed to by the parties, Conrail shall grant the Authority a right of entry to conduct a survey of the proposed permanent easement property. Once the terms of the acquisition of the permanent easement are agreed upon, Conrail will grant the Authority a construction license or temporary easement within the ROW to do preliminary staging of equipment and related preparatory construction activities relative to the Authority's construction aspects of the Turnpike Widening and the relocation of the Rail Line. Upon closing of the permanent easement, said construction license or temporary easement will be terminated and the Authority shall be allowed to proceed with the work described herein.

The Authority and Conrail (the "Parties") have prepared a Term Sheet that sets forth the understandings between the Parties. A copy of the Term Sheet with exhibits was submitted for Commissioners review. The execution of this agreement as proposed will result in safety and operational enhancements to the Turnpike roadway, yield substantial savings to the Authority and will insure the Widening Program progresses without undue delay.

Pursuant to the understandings of the Parties set forth in the Term Sheet the Authority will pay to Conrail an amount for the value of the permanent easement and the temporary construction easement (together "the Easements"). It is anticipated that this cost will not exceed One Hundred Thousand dollars (\$100,000.00). The values of the Easements will be determined by the Authority's Real Estate Consultant in conjunction with an M.A.I. appraiser once the parameters of the Easements have been finalized. At the closing of the Easements, the Parties will also execute a construction agreement in a form substantially similar to Exhibit B and an engineering agreement in a form substantially similar to Exhibit C of the Term Sheet and, pursuant to same, the Authority will reimburse Conrail for certain engineering and force account fees as provided therein at a cost not to exceed Thirty Five Thousand dollars (\$35,000.00). The Authority has also agreed to pay to Conrail the amount of Two Hundred Fifty Thousand dollars (\$250,000.00) as non-refundable "Additional Compensation". This amount is designed to offset any costs or expenses Conrail may realize in the

future, in the event rail service is reinstated, and improvements are needed to the rail line in the area of the Bridge Project including, but not limited to, lowering of the Rail Line to obtain more than 17 feet of clearance under the Turnpike.

The Authority will be responsible only for the construction work necessary for the Widening Program as set forth above; these costs will be included in construction contracts that will be forwarded to the Commissioners for approval pursuant to the normal process for same.

Based on the foregoing, it is requested that the Authority Commissioners authorize and direct the Executive Director and the Director of Law, with the advice and consent of General Counsel and the Chief Engineer, to enter into an agreement with Conrail, the terms and conditions of which are substantially as set forth in the Term Sheet as submitted, provided the scope of such authorization shall not exceed \$385,000. It is further recommended that the Executive Director be authorized to take all steps necessary for the implementation of this agreement upon review and approval of such action by the Law Department and General Counsel.

64-09

In a memorandum dated March 24, 2009, concerning the recommendation to **Approve Negotiated Purchase to Acquire Thirteen (13) Properties Necessary 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 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 thirteen 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) **Design Section 4; Turnpike ROW Section 4G**
Parcel Series 958; Portion of Block 38, Lot 9
Circle Drive, Robbinsville Township, Mercer County
Owner: Frank's Landscaping, LLC
Amount: \$185,000 (Inclusive of Relocation Costs)

The subject property consists of approximately 20.85 acres of land that is improved with a pole barn utilized for the storage of equipment associated with the owner's landscaping business, as well as a hoop greenhouse. This is a partial taking as the Authority must acquire the following interests in the property: (a) a fee simple interest in 1.338 acres of land to be designated as Parcel 958 on which the owner's pole barn is currently located; (2) a utility easement containing 0.888 acres of land for purposes of relocating the Colonial Pipeline to be designated as Parcel UE958; (3) a slope easement containing 0.061 acres of land to be designated as Parcel E958; and (4) a temporary construction easement containing 0.470 acres of land designated as C958.

2) Design Section 3: Turnpike ROW Section 3F

Parcel C314; Portion of Block 2724, Lot 111

4611 Crosswicks-Hamilton Square Road, Hamilton Township, Mercer County

Owner: David J. Kielbasa

Amount: \$250

The property currently consists of 18,731 square feet of residentially zoned land improved with a single family dwelling. The Authority is acquiring a temporary construction easement impacting approximately 476 square feet of the property to be designated as Parcel C314. The residence will not be affected.

3) Design Section 4: Turnpike ROW Section 4G

Parcel Series 951; (Edgebrook Road / Merrick Road)

Portion of Block 36, Lot 4 and Portion of Block 2715, Lot 11

Robbinsville Township and Hamilton Township, Mercer County (respectively)

Owner: Sarinvest, N.V.

Amount: \$290,000

The entire property involves a 153.024 acre tract that straddles two municipalities and has an irregular configuration that is vacant and unimproved. Zoning is RR in Robbinsville and RRC – Rural Resource Conservation in Hamilton Township. The Authority is acquiring the following interests in the property: (1) a fee simple interest in a long and narrow strip of land adjacent to the Turnpike consisting of 7.827 acres and designated as Parcels 951A and 951B; (2) a permanent slope easement along Edgebrook Road impacting of 0.721 acres and designated as Parcel E951A; (3) two (2) drainage easements along Edgebrook Road impacting 1.141 and 0.034 acres respectively and designated as Parcels D951A and 2D951A; and (4) a permanent utility easement that impacts 0.002 acres located along Edgebrook Road and designated as UE951A.

4) Design Section 1: Turnpike ROW Section 3D:

Parcel Series 186; Portion of Block 51.01, Lot 1

Mansfield Road West, Mansfield Township, Burlington County

Owner: Lawrence H. & Carol A. Durr

Amount: \$62,500

The property currently consists of 9.344 acres of vacant, partially preserved farmland. The Authority is acquiring the following interests in the property: (1) a fee simple interest in 1.193 acres of the property to be designated as Parcel 186A; (2) a fee simple interest in 0.013 acres of the property to be designated as 186B; (3) one (1) slope easement impacting 0.241 acres of the property designated as Parcel E186B; and (4) a temporary construction easement impacting 0.700 acres of the Property to be designated as Parcel C186A.

5) Design Section 2: Turnpike ROW Section 3E

Parcel Series 256; Portion of Block 92.01, Lot 18

Bordentown-Chesterfield Road, Bordentown Township, Burlington County

Owner: Stephen B. Perestam

Amount: \$187,900

The property consists of 18.338 acres of vacant, unimproved land. The Authority is acquiring the following interests in the property: (1) a fee simple interest in 0.901 acres of the property to be designated as Parcel 256A; (2) a fee simple interest in 2.208 acres to be designated as Parcel 256B; and (3) a temporary construction easement impacting 0.823 acres to be designated as C256.

6) Design Section 7: Turnpike ROW Section 4K

Parcel Series 1164; Block 12, Lot 1

Hightstown-Cranbury Station Road, Cranbury Township, Middlesex County

Owner: Cranbury Brick Yard, LLC

Amount: \$196,600

The property consists of approximately 20.94 acres of vacant, unimproved land. The Authority is acquiring the following interests in the property: (1) a fee simple interest in 0.481 acres of land to be designated as Parcel 1164A; (2) a fee simple interest in 0.039 acres of land to be designated as Parcel 1164B; (3) a fee simple interest in 0.513 acres of land to be designated as Parcel 1164C; (4) a slope easement containing 0.158 acres of land; (5) a drainage easement containing 0.364 acres of land; and (6) a utility easement containing 0.028 acres of land.

7) Design Section 4: Turnpike ROW Section 4G:

Parcel Series 969; Portion of Block 25, Lot 16.16

61 Cottage Place Drive, Robbinsville Township, Mercer County

Owner: Mannem Reddy

Amount: \$20,000

The property consists of 1.13 acres of land improved with a single family residence. The Authority is acquiring the following interests in the property: (1) a fee simple interest in 0.019 acres of the property to be designated as Parcel 969; and (2) a slope easement impacting 0.073 acres of the property to be designated as Parcel E969. The residence is not affect affected.

8) Design Section 4; Turnpike ROW Section 4G

Parcels Series 967; Portion of Block 30, Lot 9

205 Robbinsville-Allentown Road, Robbinsville Township, Mercer County

Owner: Jeffrey W. Weiser and Alice M. Kerwick

Amount: \$400

The property consists of a 2.237 acre residential property improved with a single family residence. The Authority is acquiring the following interests in the property: (1) a utility easement impacting 0.003 acres of the property to be designated as Parcel UE967; (2) a utility easement impacting 0.001 acres of the property to be designated as Parcel 2UE967; and (3) a temporary construction easement impacting 0.014 acres of the Property to be designated as Parcel C967.

9) Design Section 4; Turnpike ROW Section 4G:

Parcels Series 970; Portion of Block 25, Lot 16.17

57 Cottage Place Drive, Robbinsville Township, Mercer County

Owner: Francis G. Morino & Mary Lynn Morino

Amount: \$5,000

The property currently consists of a 0.711 acres of residential land improved with a single family residence. The Authority is acquiring the following interests in the property: (1) a utility easement impacting 0.002 acres of the property to be designated as Parcel UE970; and (2) a slope easement impacting 0.018 acres of the property to be designated as Parcel E970. The residence is not affected.

10) Design Section 4; Turnpike ROW Section 4G

Parcel 956; Block 37, Lots 4 and 4Q

47 Circle Drive, Robbinsville Township, Mercer County

Owner: Ronald & Janice Wendling

Amount: \$1,200,000

The subject property consists of a horse training farm situated on 19.56 acres that is comprised of a half-mile track, seven paddock areas, a barn with thirty-three (33) stalls, and a one and one half story residence. The property is zoned RR-Rural Residential. It is an irregularly shaped lot which is adjacent to the New Jersey Turnpike. This property had been approved for condemnation with an appraisal price of \$ 1,000,000 at the November commission meeting. Once the proceedings began, negotiations followed and the parties have now agreed to settle this matter for the amount listed above which reflects an increase of \$200,000 over the appraised value.

11) Design Section 1; Turnpike ROW Section 3D

Parcel C180D; Block 4, Lot 5,

3301 Route 206, Mansfield Township, Burlington County

Owner: Turnpike Junction Inc.

Amount: \$1,000

The property currently consists of approximately 138.30 acres of land improved with one single family dwelling. The Authority is acquiring a temporary construction easement impacting approximately 0.452 acres of the property to be designated as Parcel C180D.

12) Design Section 1; Turnpike ROW Section 3D:

Parcel Series 180A and 180B; Block 56, Lot 1

1300 Jacksonville Road, Mansfield Township, Burlington County

Owner: Turnpike Junction, Inc.

Amount: \$44,500

The property currently consists of approximately 44.54 acres of vacant, unimproved land. The Authority is acquiring the following property: (1) a fee simple interest in 0.036 acres of the property to be designated as Parcel 180A; (2) a fee simple interest in 2.099 acres of the property to be designated as Parcel 180B; (3) a slope easement impacting approximately 0.389 acres of the property to be designated as Parcel E180A; (4) a permanent easement consisting of the right to install and maintain the Transcontinental Gas Pipeline impacting approximately 0.041 acres of the property to be designated as parcel UE180A; (5) a permanent flood control easement to be designated as Parcel F180A; (6) a temporary construction easement impacting approximately 0.177 acres of the property to be designated as Parcel C180A; and (7) a temporary construction easement impacting approximately 1.44 acres of the property to be designated as Parcel C180B.

13) Design Section 1; Turnpike ROW Section 3D

Parcel Series 180C; Block 48, Lots 1 and 2

E. Sharp Road, Mansfield Township, Burlington County

Owner: Turnpike Junction, Inc.

Amount: \$34,200

The property consists of approximately 61.97 acres of vacant land. The Authority is acquiring (1) a fee simple interest in 2.535 acres of land to be designated as Parcel 180C; and (2) a temporary construction easement in 1.813 acres designated as Parcel C180C.

It should be noted that the only property that will require an expenditure of funds for relocation benefits as defined by statute is Frank's Landscaping, L.L.C. However, in this specific instance those benefits were negotiated as part of the overall settlement amount identified above.

The acquisitions as proposed herein, except for Block 51, Lot 1, Mansfield Township (the "Durr Parcel"), 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 Durr Parcel consists of 0.097 acres that have been designated Preserved Farmland pursuant to the above referenced statutes. Nothing in the statutory scheme prohibits a negotiated purchase of property with this designation. The Authority is taking this portion of the Durr Parcel subject to the preserved farmland restriction. As such it will be part of the subsequent farmland process that the Authority is required by said statutes to undertake.

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 and to satisfy those other costs required to be paid at closing, said costs not to exceed Five Thousand (\$5,000.00) 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.

65-09

In a memorandum dated March 20, 2009, concerning the recommendation for **Approval to Acquire Four (4) Properties Necessary 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 2009.

In order to complete the Widening Program, the Authority must acquire certain property located adjacent to or in the vicinity of the New Jersey 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 with the owners and their respective counsel for the purchase of same

based on this appraised value and in compliance with the laws governing its powers of eminent domain. Despite such negotiations, the Authority has been unable to reach an agreed upon purchase price with the owner. The following is a description of each said property:

1) Design Section 6; Turnpike ROW Section 4J

Parcel 1103; Block 22, Lot 36
52 Milford Road, East Windsor, Mercer County
Owner: Dolores A. Clark a/k/a/ Dolores Bell
Amount: \$340,000

The subject property is a rectangular shaped parcel of I-O (Industrial Office) zoned land containing an area of 2.7 acres, or 117,612 square feet. The site is improved with a 3 bedroom, 1 bathroom single-family residential dwelling constructed in 1929 containing 1,260 square feet with a detached one-car garage.

2) Design Section 6; Turnpike ROW Section 4J

Parcel 1102; Block 22, Lot 36.01
58 Milford Road, East Windsor, Mercer County
Owner: Dolores A. Bell a/k/a/ Dolores Clark
Amount: \$450,000

The subject is a rectangular shaped parcel of I-O (Industrial Office) zoned land containing an area of 2.58 acres, or 112,385 square feet. The site is improved with a three bedroom, 1 full and 1 half bathroom single family residential dwelling constructed in 1960 containing 1,536 square feet with a detached garage. The property was renovated/expanded in 1998.

3) Design Section 6; Turnpike ROW Section 4J

Parcel Series 1087; Portion of Block 22, Lot 11
66 Woodside Avenue, East Windsor Township, Mercer County
Owner: Milford Realty Associates, LLC
Amount: \$124,000

The property currently consists of approximately 74,180 acres of vacant land. Based on preliminary design, the Authority offered to purchase the property in it's entirety. However due to a redesign at this location, the Authority requires less property for construction. The Authority must now acquire only the following interests in a portion of the property: (a) a fee simple interest in 17.912 acres of the property to be designated as Parcel 1087; (2) a utility easement consisting of the right to install and maintain the Colonial Pipeline impacting 1.933 acres of the property to be designated as Parcel UE1087; (3) a conservation easement impacting 0.941 acres of the property for the benefit of the Delaware & Raritan Canal Commission to be designated as Parcel CE1087; (4) a conservation easement impacting 4.211 acres of the property designated as Parcel 2CE1087; (5) a temporary construction easement relating to relocation and construction of the Colonial Pipeline impacting 1.729 acres of the Property to be designated as Parcel C1087; and (6) a temporary construction easement relating to the realignment and regarding of Rock Brook impacting 0.147 acres or 6,411 square feet of the Property to be designated as Parcel 2C1087.

4) Design Section 6; Turnpike ROW Section 4J

Parcel Series 1089; Portion of Block 22, Lot 13
65 Woodside Avenue, East Windsor Township, Mercer County
Owner: Daniel Street Realty, LLC
Amount: \$70,100

The property currently consists of approximately 44.845 acres of vacant land. The Authority must acquire the following: (a) a fee simple interest in 9.485 acres of the property to be designated as Parcel 1089A; (b) a fee simple interest in 0.038 acres of the Property to be designated as Parcel 1089B; (c) a slope easement impacting 0.054 acres of the Property to be designated as Parcel E1089B; (d) two (2) utility easements for the purpose of installing and maintaining Colonial Pipeline impacting 2.395 acres and designated as 2UE1089 and 3UE1089; (e) one (1) utility easement for the construction, placement, maintenance and repair of underground sanitary sewer and water service line facilities for JCP&L and Verizon telephone service line utility facility and appurtenances impacting 0.107 acres or 4,675 square feet designated as UE1089; and (f) three (3) temporary construction easements relating to the relocation and construction of the Colonial Pipeline impacting 2.901 acres designated as C1089, 2C1089 and 3C1089.

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.

Note that the purchase of properties owned by Dolores Clark, her maiden name, and Dolores Bell, her married name, are subject to the payment of relocation benefits as defined by statute. Note also the property owner and the Authority's Relocation Consultant have already begun those discussions.

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 properties 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 commence eminent domain proceedings with respect to the properties as set forth above, including depositing with the Superior Court the following amounts which represent the appraised value of each property as indicated:

\$340,000.00 – Clark property
\$450,000.00 – Bell Property
\$124,000.00 – Milford Realty LLC
\$ 70,100.00 – Daniel Street Realty LLC

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.

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The following matters constitute the Public Session agenda:

LAW

66-09

In the memorandum dated March 24, 2009, concerning the recommendation to **Increase Cost Participation and Authorization to Execute a Modification to the Cost Sharing Agreement with New Jersey Department of Transportation for Replacement of the St. Paul's Viaduct in Jersey City**

On January 28, 2009, the Authority's Commissioners authorized a Cost Sharing Agreement with the New Jersey Department of Transportation (NJDOT) whereby the Authority was agreed to contribute \$120,000,000 towards its share of allowable project costs related to the replacement of St. Paul's viaduct in Jersey City (the "Project"). This agreement was executed in February 20, 2009 (the "Agreement"). Since the execution of the Agreement it has been determined that the preliminary allowable cost estimate, which included among other things, utility relocations, right-of-way acquisitions, and changes in unforeseen field conditions, was insufficient to cover the total allowable costs of the Project. It has been determined that an additional \$25,000,000 cost contribution would be required from the Authority in order to cover these costs. The additional funding for this Agreement will be secured in the Authority's 2009 Debt Issuance.

Accordingly, it is recommended that the Authority provide an additional cost participation in the amount not to exceed \$25,000,000 associated with the revised allowable Project costs. This amount increases the total cost contribution for the Project from the Authority to \$145,000,000. It is

further recommended that pursuant to Section 4(E) of the original agreement, authorization be granted to the Executive Director to execute a modification reflecting the increased cost participation by the Authority from \$120,000,000 to \$145,000,000.

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

On motion by Commissioner Evans, seconded by Commissioner DuPont, the Authority approved the six (6) item Law agenda; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

ENGINEERING

67-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated March 18, 2009, concerning **Award Contract No. T100.126 – ISC Structures Inc. –** Structural Steel for Highway Bridge Construction, Turnpike Interchange 16E and 18E Improvements, Widening and Redecking of Structure No. E112.58A, 2009 Capital Construction Program and Future Bond Issue.

This contract will provide for advanced structural steel fabrication for the fast tracked construction for Contract No. T100.112, Interchange 16E-18E Improvements, Widening and Redecking of Structure No. E112.58A.

One proposal was received on March 16, 2009 for the above publicly advertised contract. The sole bid proposal, in the amount of \$2,240,331, may be compared to the Engineer's Estimate in the amount of \$2,977,000. This is the first advanced steel bridge fabrication contract the Authority has ever procured. The limited number of bids is attributed to the aggressive delivery dates of the steel girders and current fabricator workloads. The current economic environment appears to have contributed to the low bid price. ISC Structures, Inc. and their structural steel fabricator, Harris Structural Steel Company, have previously supplied structural steel to the Authority and other regional transportation agencies and are considered competent to complete this contract.

It is, therefore, recommended that Contract No. T100.126 be awarded to the sole bidder, ISC Structures, Inc. of Trenton, NJ, in the amount of \$2,240,331. 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 Singleton, seconded by Commissioner DuPont, the Authority unanimously approved the recommendation; authorized award of Contract No. T100.126 to ISC Structures Inc., as presented; and received and filed the memoranda.

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68-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated March 13, 2009, concerning **Award Contract No. P200.044 – Midlantic Construction LLC – Garden State Parkway Widening, Parkway Interchange 63 to Interchange 80 Widening, Parkway Milepost 75.0 to 80.8, 2009 Capital Construction Program and Future Bond Issue.**

The work to be performed under this contract includes widening of the Garden State Parkway in both the northbound and southbound directions from Milepost 75.0 to 80.8, grading, drainage, paving, structures, sign structures, signing and striping and other related work as detailed in the contract documents. This construction contract is scheduled to be completed by July 2011.

Fourteen proposals were received on March 10, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$54,321,285.78, may be compared to the second low bid proposal in the amount of \$58,383,144.97. The low bidder, Midlantic Construction, LLC, has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P200.044 be awarded to the low bidder, Midlantic Construction, LLC of Manasquan, New Jersey, in the amount of \$54,321,285.78. 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. P200.044 to Midlantic Construction LLC, as presented; and received and filed the memoranda.

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69-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated March 13, 2009, concerning **Award Contract No. T200.086 – Tarheel Enterprises Inc. – Resurfacing, Turnpike Milepost 0 to 74, Maintenance Reserve Fund No. 03010002.**

This contract will provide for the resurfacing of asphalt concrete surface course pavement along mainline Turnpike roadways, ramps, shoulders, toll plazas and other incidental work from Milepost 0 to 74 in Salem, Gloucester, Burlington, Mercer and Middlesex Counties.

Three proposals were received on March 13, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$7,792,336.00, may be compared to the second low bid proposal in the amount of \$7,881,998.94. The low bidder, Tarheel Enterprises, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T200.086 be awarded to the low bidder, Tarheel Enterprises, Inc. of South Amboy, New Jersey, in the amount of \$7,792,336.00. 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 Evans, seconded by Commissioner Hodes, the Authority approved the recommendation; authorized award of Contract No. T200.086 to Tarheel Enterprises Inc., as presented; and received and filed the memoranda.

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70-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated February 25, 2009, concerning **Issue of Order for Professional Services No. T3177 – HAKS Engineers**, Supervision of Construction Services, for Contract No. T200.086, Resurfacing, Turnpike Milepost 0 to 74, Maintenance Reserve Fund No. 03010002; and Contract No. T200.114; Median Inlet Repairs, Turnpike Milepost 0 to 83, 2009 Capital Construction Program and Future Bond Issue.

This Order for Professional Services (OPS) provides construction supervision for the referenced contracts. Contract No. T200.086 will provide for the resurfacing of asphalt concrete surface course pavement along mainline Turnpike roadways, ramps, shoulders, toll plazas and other incidental work from Milepost 0 to 74 in Salem, Gloucester, Burlington, Mercer and Middlesex Counties. Contract No. T200.114 will provide for the repair of existing median inlet structures along the mainline Turnpike roadway from Milepost 0 to 83 in Salem, Gloucester, Burlington, Mercer and Middlesex Counties.

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 51 engineering firms

prequalified and eligible under Profile Codes B153 – Roadway Construction Inspection and B154 – Roadway Resurfacing Inspection. Seven firms submitted EOIs by the closing date of January 20, 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) HAKS Engineers, 2) Kupper LLC and 3) Buchart-Horn Inc. The fee submitted by HAKS Engineers has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. T3177 be issued to the firm of HAKS Engineers of Medford, New Jersey in the maximum amount of \$995,000, allocated as follows: Fund 03010002 - \$350,000 in 2009 and \$60,000 in 2010; 2009 Capital Construction Program - \$400,000; and Future Bond Issue - \$185,000. 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 DuPont, seconded by Commissioner Pocino, the Authority unanimously approved the recommendation; authorized issue of OPS No. T3177 to HAKS Engineers, as presented; and received and filed the memoranda.

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71-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated March 12, 2009, concerning **Award Contract No. P200.104 – Arawak Paving Company Inc.** – Southern Pavement Restoration and Miscellaneous Improvements, Parkway Milepost 0 to 75, 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 Milepost 0 and 75 in Cape May, Atlantic, Burlington and Ocean Counties.

Four proposals were received on March 11, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$5,548,000, may be compared to the second low bid proposal in the amount of \$5,867,495. The low bidder, Arawak Paving Company, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P200.104 be awarded to the low bidder, Arawak Paving Company, Inc. of Hammonton, New Jersey, in the amount of \$5,548,000. 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 Evans, seconded by Commissioner DuPont, the Authority approved the recommendation; authorized award of Contract No. P200.104 to Arawak Paving Company Inc., as presented; and received and filed the memoranda.

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72-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated March 12, 2009, concerning **Award Contract No. P700.119 – Palmer West Associates, Inc. t/a A & J Construction Co. – Underground Storage Tank Upgrades, Various Garden State Parkway Facilities, Parkway Milepost 14 to Milepost 166, Construction Fund No. 06510006.**

This contract provides for the removal, replacement and/or upgrading of underground storage tank systems at ten locations along the Garden State Parkway. The construction oversight will be performed by the Maintenance Department.

Six proposals were received on March 10, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$1,689,170, may be compared to the second low bid proposal in the amount of \$1,713,471. The low bidder, A & J Construction Co., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P700.119 be awarded to the low bidder, Palmer West Associates, Inc. t/a A & J Construction Co. of Farmingdale, New Jersey, in the amount of \$1,689,170. 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 Evans, seconded by Commissioner DuPont, the Authority approved the recommendation; authorized award of Contract No. P700.119 to Palmer West Associates Inc. t/a A & J Construction Co., as presented; and received and filed the memoranda.

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73-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated March 23, 2009, concerning **Issue Order for Professional Services No. T3200 – DMJM Harris, Greenman-Pedersen Inc. and PB Americas Inc. (A Joint Venture)**, Construction Management and Inspection Services Mainline, Turnpike Interchange 6 to Interchange 9 Widening Program, 2009 Capital Construction Program and Future Bond Issue.

This Order for Professional Services (OPS) will provide construction management and a portion of the inspection services for the Turnpike Interchanges 6 to 9 Widening Program. The work to be performed under this OPS consists of construction management services, including scheduling, cost control, progress reporting, etc. on a program wide basis for all construction contracts, utility relocations and ancillary activities for all Sections of the Interchange 6 to 9 Widening Program. The Joint Venture will also perform construction supervision and inspection services for Design Section Nos. 1, 2, 3, 5, 7 and 8, consisting of eighteen (18) construction contracts in a total amount of approximately \$1.5 billion, along with oversight and inspection of utility work performed by utility companies in these Sections. The scope of services also includes contract management and inspection of approximately six off-site fabrication contracts, and the engagement of material testing laboratories for all testing services required for the construction contracts to be supervised under this OPS.

This assignment is classified as a "Complex Project" because the fee exceeds \$1,000,000. Thirty five engineering consulting firms prequalified and eligible in Profile Codes B151 – Construction Management; B152 – Project Management (Scheduling); B153 – Roadway Construction Inspection; and B155 – Bridge Construction Inspection were invited to submit Expressions of Interest (EOIs). Two EOIs were received by the closing date of December 22, 2008.

In accordance with the current procurement regulations, if fewer than three EOIs are deemed complete for all projects, the EOI solicitation may be rewritten and/or re-solicited, or the procurement may continue with less than three firms, as determined by the Executive Director, in consultation with the Chief Engineer.

Engineering Department staff reviewed the RFEOI and determined that the scope of services could not be revised in any meaningful way, nor could we re-solicit the assignment and still maintain the current schedule. Further, we did not believe either rewriting the RFEOI or re-solicitation, would generate any additional interest by the Engineering Community, given that the original RFEOI was advertised with Engineering New Record (ENR-McGraw Hill Construction), which is nationally and internationally recognized in the engineering and construction industries.

Also, the feedback received from the firms that did not submit an EOI advised that they were not in a position, nor did they have the resources, to undertake this significant five year assignment.

Based on the above, the procurement process continued and the two firms were requested to submit Technical and sealed Fee Proposals. The firms are: 1) Joint Venture of DMJM Harris, Greenman-Pedersen, Inc. and PB Americas, Inc. and 2) Joint Venture of The Louis Berger Group, Inc. and Hill International, Inc. The Review Committee reviewed and evaluated each firm's Technical Proposal and held presentations with each firm. Subsequent to these activities the final scoring resulted in the Joint Venture of DMJM Harris, Greenman-Pedersen, Inc. and PB Americas, 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. T3200 be issued to the firm of the Joint Venture of DMJM Harris, Greenman-Pedersen Inc. and PB Americas Inc. of Piscataway, New Jersey in the maximum amount of \$164,200,000, allocated as follows: \$15,000,000 in 2009 and \$149,200,000 from 2010 to 2014. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.35, to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected 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 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 Hodes, the Authority unanimously approved the recommendation; authorized issue of OPS No. T3200 to DMJM Harris/BPI/PB, A Joint Venture, as presented; and received and filed the memoranda.

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74-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated March 13, 2009, concerning **Issue of Order for Professional Services No. A3203 – ATC Associates Inc.; Order for Professional Services No. A3204 – French & Parello Associates P.A.; Order for Professional Services No. A3205 – Key-Tech; Order for Professional Services No. A3206 – Lippincott & Jacobs Consulting Engineers; and Order for Professional Services No. A3207 – Pennoni Associates Inc., On-Call Construction Material Testing and Inspection, Various Capital Program Funds and 2009 Capital Construction Program.**

The above referenced Orders for Professional Service (OPS) will provide for on-call construction material testing and inspection services of products and materials used on Authority construction projects by AASHTO accredited testing laboratories. Five testing laboratories will be

engaged to provide continuity of service for the three on-call material testing and inspection OPS' currently approved.

These assignments are classified as "Simple Projects" based on the scope of work being clearly defined and not likely to change during the course of the projects, and the cost not exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 18 engineering firms prequalified and eligible under Profile Code D320: Material Testing and Inspection. Seven firms submitted EOIs by the closing date of January 26, 2009. One of the EOIs received was deemed incomplete since the firm did not have the required AASHTO accreditation.

Subsequent to the scoring of EOIs, Fee Proposals were requested from the six firms. The firms are: 1) Advance Testing; 2) Pennoni Associates, Inc.; 3) Lippincott & Jacobs Consulting Engineers; 4) French & Parelo Associates, P.A.; 5) ATC Associates, Inc.; and 6) Key-Tech. As a result of a detailed review of the EOIs and Fee Proposals, ATC Associates, Inc.; French & Parelo Associates, P.A.; Key-Tech; Lippincott & Jacobs Consulting Engineers; and Pennoni Associates, Inc. were determined to be the most technically qualified firms to provide the necessary services. The fees submitted have been reviewed, negotiated and are considered to be fair and reasonable for the services to be provided.

Each OPS will be issued in the maximum amount of \$900,000 for a two-year period, not to exceed \$450,000 per year per OPS. Each OPS will have the option for a one-year extension, provided the fee ceiling of \$900,000 is not exceeded in the prior two years. Funding for these assignments will be provided through the project budgets for which testing services are required utilizing the Authority's Work Request Authorization Form (WRAF) process.

It is, therefore, recommended that OPS Nos. A3203, A3204, A3205, A3206 and A3207 be issued to the firms of ATC Associates, Inc. of Burlington, NJ; French & Parelo Associates P.A. of Wall NJ; Key-Tech of Keyport NJ; Lippincott & Jacobs Consulting Engineers of Riverside, NJ; and Pennoni Associates Inc. of Haddon Heights, NJ, respectively, for a two-year period with a one-year extension option, in the maximum amount of \$900,000 each. 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).

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. A3203 to ATC Associates Inc.; OPS No. A3204 to French & Parelo Associates P.A.; OPS No. A3205 to Key-Tech; OPS No. A3206 to Lippincott & Jacobs Consulting Engineers; and OPS No. A3207 to Pennoni Associates Inc., as presented; and received and filed the memoranda.

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75-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated March 5, 2009, concerning **Issue of Order for Professional Services No. A3216 – KS Engineers, P.C. – Outfall Pipe Mapping, Turnpike Milepost 105 to Milepost 122, Parkway MP 125 to MP 172, Supplemental Capital Fund No. 08017007, Small Business Enterprise (SBE) Set-Aside Program.**

This Order for Professional Services (OPS) will provide for professional services associated with stormwater regulations adopted by the New Jersey Department of Environmental Protection (NJDEP). These services are for the third and final phase of the Authority's outfall mapping program. The scope includes the inspection and documentation of all the Authority's existing drainage outfalls from Turnpike Milepost 105 to 122 and Parkway Milepost 125 to 172, using GPS instruments and utilizing GIS technology.

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 16 engineering firms prequalified and eligible under Profile Code D470 – Surveying: Topographic; and registered as an SBE by the New Jersey Commerce and Economic Growth Commission. Eight firms submitted EOIs by the closing date of February 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) Naik Consulting Group, P.C.; and 3) Dresdner Robin. The fee submitted by KS Engineers, P.C. has been reviewed and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. A3216 be issued to the firm of KS Engineers, P.C. of Newark, New Jersey in the maximum amount of \$446,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.51, 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 Evans, seconded by Commissioner Pocino, the Authority unanimously approved the recommendation; authorized issue of OPS No. A3216 to KS Engineers, P.C. as presented; and received and filed the memoranda.

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76-09

Chief Engineer Raczynski presented the recommendation contained in the memorandum dated March 19, 2009, concerning **Issue Order for Professional Services No. T3218 – LS Engineering Associates Corporation** – Turnpike Main Bridge Inspection - Part C; and **Order for Professional Services No. T3219 – Churchill Consulting Engineers** – Turnpike Main Bridge Inspection - Part D, Engineering Services for the 2009 New Jersey Turnpike Authority Bridge Inspection Program, Special Project Reserve Fund No. 04010018, Small Business Enterprise (SBE) Set-Aside.

Through this single Order for Professional Services (OPS) procurement process the Authority will select two consultants to furnish engineering services for bridge, sign structure, and antenna tower inspections on the Turnpike in accordance with an established schedule. OPS No. T3218 provides for the inspection of 14 routine bridges located on the Turnpike's four mile I-95 extension; inspection of 137 sign structures along the entire length of the Turnpike; FHWA Structure Inventory and Appraisal (SI&A) form updates; NJTA Bridge Management System inspections and data collection; on-call special assignments and submittal of inspection and Risk Carrier Summary Reports. OPS No. T3219 provides for the tower inspections and preparation of reports for the Authority's nine Antenna Towers on the Turnpike.

These assignments are classified as "Simple Projects" based on the scope of work being clearly defined and not likely to change during the course of the projects, and the cost not exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to nine (9) engineering firms prequalified and eligible under Profile Code D280R – Bridges, NBIS Program, Routine; and registered as an SBE by the New Jersey Commerce and Economic Growth Commission. Five (5) firms submitted EOIs by the closing date of February 17, 2009. In accordance with the solicitation, these OPS' will be awarded to the top two technically ranked firms with assignment preference to the highest technically ranked firm.

Subsequent to the scoring of EOIs, Fee Proposals were requested from the top three firms. The firms are: 1) LS Engineering Associates Corporation; 2) Churchill Consulting Engineers; and 3) S&R Engineers, P.C.. The fees submitted by LS Engineering Associates Corporation and Churchill Consulting Engineers 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. T3218 be issued to the firm of LS Engineering Associates Corporation of Montvale, NJ, in the maximum amount of \$378,000, allocated as follows: \$370,000 in 2009 and \$8,000 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.

It is, also, recommended that OPS No. T3219 be issued to the firm of Churchill Consulting Engineers of Berlin, NJ, in the maximum amount of \$142,400 allocated for 2009. 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.

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).

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; authorized issue of OPS No. T3218 to LS Engineering Associates Corporation; and OPS No. T3219 to Churchill Consulting Engineers, as presented; and received and filed the memoranda.

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77A-09 through 77E-09

The Chief Engineer presented the following recommendations, numbered respectively, of

Contracts for Formal Acceptance and Final Payment:

<u>CONTRACT NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
<u>Contract P100.008</u>	Agate Construction Co. Inc. Southern Bridge Deck Repairs and Resurfacing Parkway Milepost 2.4 to Milepost 129.7 Cape May, Burlington, Atlantic, Ocean, Monmouth and Middlesex Counties Maintenance Reserve Fund No. 03020001	\$35,000.00
<u>Contract P100.028</u>	Sparwick Contracting, Inc. GSP Miscellaneous Bridge Repairs Parkway Milepost 28.0 to Milepost 163.2 Cape May, Atlantic, Burlington, Ocean, Monmouth, Middlesex, Union, Essex, Passaic and Bergen Counties Maintenance Reserve Fund No. 03020008	\$122,513.09
<u>Contract T100.087</u>	Highway Safety Systems Inc. Upgrade of Variable Message Sign (VMS) Catwalks Turnpike Milepost 32 to Milepost 119 Camden, Burlington, Mercer, Middlesex, Union, Essex, Hudson and Bergen Counties 2008A Note Construction Fund No. 30000014	\$35,294.71
<u>Contract T200.016</u>	Crisdel Group Inc. Resurfacing Turnpike MP 0 to MP 74 Salem, Gloucester, Camden, Burlington, Mercer and Middlesex Counties Maintenance Reserve Fund No. 03010002	\$363,389.43
<u>TPK Contract R-1518</u>	PKF-Mark III Inc. Pile Rehabilitation Maintenance District No. 1 Stream Crossings Turnpike Milepost 1 to Milepost 19 Salem and Gloucester Counties Construction Fund No. 06510059	\$96,734.00

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

On motion by Commissioner Evans, seconded by Commissioner Hodes, the Authority accepted the certifications of the Engineers, General Consultants and Chief Engineer as to inspection and completion of the foregoing contracts; the certification of the Authority's Law Department as to liens, claims, surety bonds and Final Payment Certificates; hereby authorized final payment, in the amounts shown, due the contractors for completion of the above contracts; and received and filed the memoranda.

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78A-09 and 78B-09

The Chief Engineer presented the following ratifications, numbered respectively, of
Contracts for Formal Acceptance and Final Payment:

<u>CONTRACT NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
<u>Contract P200.076</u>	H & G Contractors, Inc. Installation of Temporary Fence Parkway Interchanges 63 to 80 Widening Parkway MP 65.0 to MP 79.8 Ocean County 2005 Bond Issue Fund No. 20260001	\$5,170.00
<u>Contract P700.050</u>	A & J Construction Co. Pump Station Upgrades Parkway Forked River Service Area Ocean County Special Project Reserve Fund No. 04028029	\$55,195.21

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

On motion by Commissioner DuPont, seconded by Commissioner Hodes, the Authority accepted the certifications of the Engineers, General Consultants and Chief Engineer as to inspection and completion of the foregoing contracts; the certification of the Authority's Law Department as to liens, claims, surety bonds and Final Payment Certificates; hereby ratified final payment, in the amounts shown, due the contractors for completion of the above contracts; and received and filed the memoranda.

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PURCHASING

Purchasing Director Ward highlighted item 79M-09; identified the remaining procurements in the purchasing agenda as routine; and requested approval. Moved as a group, items 79A-09 through 79O-09 are as follows:

Results of Bidding: Items 79A-09 through 79J-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:

79A-09

<u>BIDDERS</u>	<u>BIDS</u>			
<u>INVITED</u>	<u>REC'D</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
8	2	Dodge / Chrysler OEM Parts	Dick Greenfield Dodge Inc Lawrenceville, NJ	\$31,250.00 (Area B)

Requisition Memorandum (RM) 625 and RM 632 (Re-Bid); Bids Received: February 18, 2009

Requisitioned by the Maintenance Department, this is a one-year price agreement for the supply of Dodge/Chrysler Original Equipment Manufacturer (OEM) parts (including, but not limited to, oil filters, alternators, gaskets, rotors, air filters, brake pads, lug nuts, and sensors), for vehicles under 17,500 pounds gross vehicle weight. Bidders were required to quote unit prices for 36 items including a discount off of the Manufacturer's List Price on miscellaneous parts and remanufactured major assemblies. Bidders were also permitted to quote on any or all of the three Areas: A) Northern Parkway and Turnpike Districts; B) Central Turnpike; and C) Central Parkway, provided they have a facility within 30 miles of the Maintenance Districts. Awards were to be based on lowest total bid amount per Area.

Review of the bid proposals found two of them as non-compliant and required rejection.

Recommend award be made to the lowest responsible bidder for Area B, Dick Greenfield Dodge Inc. The anticipated annual expenditure is not to exceed \$31,250, subject to funding availability at the time of ordering. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

In addition, given that this is the second time this contract has been publicly bid and given that there have been no responsive bids for Areas A and C, authorization is also requested for Authority Staff to negotiate contracts, and for the Executive Director to approve awards of the negotiated contracts in accordance with N.J.S.A 27:23-6.1. The total authorized anticipated amounts shall not to exceed \$62,500 for Area A and \$31,250 for Area C subject to funding availability at the time of ordering.

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79B-09

<u>BIDDERS</u>	<u>BIDS</u>			
<u>INVITED</u>	<u>REC'D</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
4	2	Paper Supplies for Print Shop	Central Lewmar LLC Newark, NJ	\$75,023.80

RM 657 (Re-bid); Bids Received: March 4, 2009

Requisition by the Printing Services Division, this is a one-year Price Agreement for print shop paper supplies (34 line items, including, but not limited to, white envelopes, various size long grain white paper, and latex seal Kraft envelopes) for use by the Printing Services Division. Vendors were required to supply a price for every line item.

Recommend award be made to the lowest responsible bidder, Central Lewmar LLC., in an amount not to exceed 75,023.80, subject to funding availability at the time of service. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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79C-09

<u>BIDDERS</u>	<u>BIDS</u>			
<u>INVITED</u>	<u>REC'D</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
5	2	Re-Conditioning of Roadway Lighting Transformers	G & S Motor Equipment Co. Inc.	\$40,000.00

RM 669; Bids Received: February 24, 2009

Requisition by the Maintenance Department, this is a one-year Price Agreement for the reconditioning of constant current Roadway Lighting Transformers. Bidders were required to quote an hourly labor rate to replace worn or defective parts and the reconditioning fee.

Review of the bid proposals found the other bid to be non-compliant and required rejection.

Recommend award be made to the lowest responsible bidder, G&S Motor Equipment Co. Inc. The anticipated annual expenditure is not to exceed \$40,000, subject to funding at time of service. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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79D-09

<u>BIDDERS</u>	<u>BIDS</u>		<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>				
29	7		Liquid Hazardous and Non-Hazardous Waste Material Removal and Disposal	US Environmental Inc. Dowington, PA	\$100,380.00

RM 672; Bids Received: February 18, 2009

Requisitioned by the Engineering Department, this is a one-year Price Agreement for the collection, transportation and disposal of liquid hazardous and non-hazardous waste material at facilities on the Garden State Parkway and the New Jersey Turnpike. Bidders were required to quote unit prices for removing 5 items (approximately 101,500 gallons) of liquid waste (such as gasoline, oil/diesel and latex paint), and an hourly rate for use of a vacuum truck.

Recommend award be made to the lowest responsible bidder, US Environmental Inc, in an amount not to exceed \$100,380, subject to funding at time of service. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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79E-09

<u>BIDDERS</u>	<u>BIDS</u>		<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>				
4	2		Manufacture and Repair of Toll Equipment Parts	Meta Lite Inc. Clifton, NJ	\$40,000

RM 674; Bids Received: February 24, 2009

Requisitioned by the Toll Collections Department, this is a one-year Price Agreement for 15 items of repair parts for toll equipment (including, but not limited to, locking pin clamps, cash vault cams, slug doors and scavenger door hinges). Bidders were required to quote unit prices for all items listed.

Review of the bid proposals found the other bid to be non-compliant and required rejection.

Recommend award be made to the lowest responsible bidder, Meta Lite Inc. The anticipated annual expenditure is not to exceed \$40,000, subject to funding availability at the time of service. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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79F-09

<u>BIDDERS</u>	<u>BIDS</u>		<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>				
14	8		Ford OEM Replacement Auto Parts	All American Ford Inc. Hackensack, NJ	\$150,000.00 (Area A)
				Miller Ford Sales Lumberton, NJ	\$125,000.00 (Area B)
				Freehold Ford Inc. Freehold, NJ	\$125,000.00 (Area C)

RM 676; Bids Received: March 10, 2009

Requisitioned by the Inventory Section, this is a one-year Price Agreement for the purchase of Ford OEM replacement auto parts for vehicles under 17,500 pounds GVWR (159 line items including but not limited to, condensers, compressors, air filters, brake pads, spark plugs and fuses). Vendors were required to supply a price for every item listed including a discount off of the Manufacturer's List Price on miscellaneous parts and miscellaneous remanufactured parts in three geographic Areas: A) Northern (Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset and Union Counties); B) Southwest (Burlington, Camden, Gloucester, Mercer and Salem Counties); and C) Southeast (Atlantic, Cape May, Monmouth and Ocean Counties). In addition, bidders were required to have a facility located within the bid Area.

Review of all the bid proposals found that three were not in compliance with the specifications and required rejection.

Recommend award be made to the lowest responsible bidders, All American Ford Inc. for Area A; Miller Ford Sales for Area B; and Freehold Ford Inc. for Area C. The total anticipated annual expenditure is not to exceed \$400,000, subject to funding availability at the time of ordering. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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79G-09

<u>BIDDERS</u>	<u>BIDS</u>		<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>				
7	2		Tire and Rubber Debris Removal	Freehold Cartage Inc. Freehold, NJ	\$45,000.00

RM 678; Bids Received: March 5, 2009

Requisitioned by the Maintenance Department, this is a two-year Price Agreement for the removal of tire and rubber debris at maintenance facilities on the Garden State Parkway and the New Jersey Turnpike. Vendors were required to quote unit prices for loading, transporting, recycling, disposing and re-use of tire and rubber debris from 8 locations on the Roadways (with pick-ups every 90 days).

Recommend award be made to the lowest responsible bidder, Freehold Cartage Inc. The anticipated annual expenditure is not to exceed \$45,000, subject to funding at time of service. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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79H-09

<u>BIDDERS</u>	<u>BIDS</u>		<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>				
4	1		Ford OEM Sterling Heavy Duty Truck Parts	Hoover Truck Centers Inc. Pennsauken, NJ	\$125,000.00

RM 681; Bids Received: March 10, 2009

Requisitioned by the Maintenance Department, this is a one-year Price Agreement for Ford OEM Sterling Heavy Duty Truck Parts (33 Items, including, but not limited to, fuel filters, wiper motors, gaskets, turbo clamps, muffler pipes, and solenoid starters), and a discount off of Sterling Manufacturer's list price of remanufactured and non remanufactured miscellaneous items to be stocked in inventory. Vendors were required to supply a price for every item listed.

Recommend award be made to the sole bidder, Hoover Truck Centers Inc. The anticipated annual expenditure is not to exceed \$125,000, subject to funding availability at the time of service. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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79I-09

<u>BIDDERS</u>	<u>BIDS</u>		<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>				
11	6		Thermal Receipt Paper	Paper Solutions Inc. d/b/a Partek Solutions Indianapolis, IN	\$52,794.00

RM 683; Bids Received: March 4, 2009

Requisitioned by the Tolls Department, this is a one-year Price Agreement for 12,600 rolls of Thermal Receipt Paper for printers for the Tolls Collection Department. Vendors were required to supply sample rolls of thermal receipt paper along with their bids.

Recommend award be made to the lowest responsible bidder, Paper Solutions Inc. d/b/a Partek Solutions, in an amount not to exceed \$52,794.00, subject to funding availability at the time of order. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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79J-09

<u>BIDDERS</u>	<u>BIDS</u>		<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>				
10	3		Removal and Disposal of Hazardous and Non-Hazardous Solid Waste Material and Emergency Spill Response	Cycle Chem Inc. Elizabeth, NJ	\$99,657.60

RM 684; Bids Received: March 12, 2009

Requisitioned by the Engineering Department, this is a one-year Price Agreement for the removal and disposal of hazardous and non-hazardous solid waste material and emergency spill response on the Turnpike and Parkway. Vendors were required to quote on every item.

Review of all bid proposals found one bid to be non-compliant and required rejection.

Recommend award be made to the lowest responsible bidder, Cycle Chem Inc., in an amount not to exceed \$99,657.60. Anticipated expenditure is subject to funding availability at the time of service. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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79K-09

In a memorandum dated March 11, 2009, concerning the recommendation to **Reject All Bids and Award to State Contract Vendors** – Repair of Heavy Duty Truck Springs, RM 614.

On October 7, 2008, bid proposals were opened for the repairs of heavy duty truck springs for vehicles over 11,500 pounds Gross Vehicle Weight Rating ("GVWR"). Bidders were required to quote on labor rates for specific repairs as well as discounts off the manufacturer's list price ("MLP") for parts. The anticipated annual expenditure was \$70,000 (with 90% attributed to the labor rate). Bids were procured in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order No. 37. Three bid proposals were received:

	<u>Hourly Labor Rate For Repairs</u>	<u>Discount off Manufacturer's List</u>
General Spring & Alignment Service Inc., Newfield, NJ	\$55.00	35%
Air Brake & Equipment, Hillside, NJ	\$69.95 - \$ 99.95	20%
Clegg's Garage Inc., Egg Harbor Township, NJ	\$98.00 - \$225.00	10%

The Maintenance Department reviewed the proposals and concluded that the labor rates (even with the discounts), from the lowest bidders were substantially above the most recent Authority contract prices (\$40 per hour with a 30%-35% mark-up on parts.) In addition, since the Authority's contract was advertised, the New Jersey Purchase Bureau (State Contracts) publicly advertised contracts for the identical services, which are extended to cooperative purchasing units such as the Authority. The State Contract's lowest bid rates range from \$35 to \$52 per hour. The State Contract vendor, which the Maintenance Department has previously used, bid \$45 per hour with a 20% mark-up on parts. (This vendor is a NJ Small Business Enterprise). Thus, it is in the Authority's best interests to utilize the State Contract in this instance.

Accordingly, Staff recommends rejection of the bid proposals submitted by the three bidders stated herein and award the contract to the State Contract vendor(s), as outlined herein.

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79L-09

In a memorandum dated March 25, 2009, concerning the recommendation to **Delegate Authority to Executive Director to Award a License for Management Services at Turnpike Interchange 8A Park-n-Ride Facility**

The Authority owns a Park-n-Ride facility ("Facility") located in South Brunswick, New Jersey. The Facility has been in operation since 1995. The Authority's agreement with the Facility's current Operator expires on April 30, 2009.

In order to execute a new agreement, staff advertised a Request for Proposal ("RFP") for the furnishing of services to operate and maintain the Facility. The term of the agreement is three years, with the Authority having the sole discretion to extend for one additional year. In addition, the Operator is required to remit an annual license fee to the Authority for use of the Facility. On January 29, 2009, the RFP was advertised in three newspapers, posted on the Authority's and State's websites and distributed to seven firms. The solicitation of these services was conducted in

accordance with N.J.S.A. 27:23-9 and the policies of the Authority relating to the collection of fees and charges relating to the operation of a parking facility. Two firms responded to the RFP: Academy Express LLC, Hoboken, NJ and Five Star Parking, Newark, NJ.

The Executive Director appointed an Evaluation Committee consisting of staff from the Authority's Patron Services & Business Development Division, Internal Audit and Finance Departments. The Evaluation Committee is reviewing the proposals. Given that only two proposals were received, the Committee believes that it is in the Authority's best interest to have both firms give oral presentations. After completion of the interviews, the Committee will negotiate a best and final license fee and make a recommendation of award to the Executive Director. In order to have an Operator at the Facility for May 1, 2009, the Authority needs to award a license to a new operator before the next scheduled Commission Meeting on April 28, 2009. Thus, it is recommended that the Executive Director be granted the authority to enter into an agreement with the successful firm and to execute all documents necessary to effectuate the award of the license for management services at the Turnpike Interchange 8A Park-n-Ride facility. The award will be ratified at a future Commission Meeting.

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79M-09

In a memorandum dated March 26, 2009, concerning the recommendation to **Execute a Permit with the New Jersey Commission for the Blind and Visually Impaired (CBVI); and Increase Amount of Contract No. 256 with Sodexo Inc.** – Cafeteria Services, Statewide Traffic Management Center ("STMC"), New Jersey Turnpike Authority.

Authorization is requested for Authority staff to negotiate a permit with the New Jersey Commission for the Blind and Visually Impaired ("CBVI") Mercerville, NJ, for cafeteria services at the Statewide Traffic Management Center ("STMC") in Woodbridge, NJ.

Turnpike Authority, New Jersey State Police and NJ Department of Transportation (NJDOT) employees work at the STMC. The STMC has a cafeteria which services employees and visitors. At the time of the consolidation of the New Jersey Highway Authority ("NJHA") and the New Jersey Turnpike Authority, a license agreement for cafeteria services existed between the former NJHA and Sodexo Inc., Mullica Hill, NJ. The license agreement, which included an annual subsidy to Sodexo Inc., has been continued on a month-to-month basis pending execution of a new agreement.

Staff solicited competitive proposals for an operator for the STMC cafeteria. In April 2008 and February 2009, respectively, the Authority publicly advertised requests for proposals ("RFPs") for the referenced services. Both solicitations were unsuccessful. The Authority received no responsive proposals for the first solicitation and no proposals for the second RFP. Prospective food service operators repeatedly informed Authority staff that given the relatively few numbers of potential patrons as well as the lack of street traffic, food sales at the facility would be unprofitable.

In response to the advertisement for the second solicitation, a field representative of the CBVI Business Enterprise Program ("BEP") approached Purchasing Department staff with respect to providing food services at the STMC. The CBVI was established by the Federal Randolph-Sheppard Act and provides dining and vending machine services for federal, state and county government facilities throughout New Jersey, including the NJDOT and the Justice Hughes Complex in Trenton. These facilities are managed by legally blind and visually impaired individuals who are trained to the highest food service standards by the BEP. The CBVI also continually monitors and provides guidance to the operators and facilities. The BEP receives federal and state funding to support the programs. The CBVI representative desired to provide the Authority with a viable alternative in the event that we did not receive any acceptable proposals. Given the circumstances, Authority staff met at the STMC for a site visit with representatives from the CBVI.

Following the site visit, both parties agreed that an arrangement for the BEP to administer the STMC cafeteria would be beneficial for all involved. The CBVI and the Authority would negotiate and execute a standard BEP permit. Under the permit, the Authority would allow CBVI to independently administer and manage the cafeteria services at the STMC. The Authority's only responsibilities would be to provide the space and utilities, and maintain the cafeteria's structure. The CBVI will select a suitable food service vendor ("BEP Operator") to provide the cafeteria services. In addition, the CBVI would train and monitor the BEP Operator and maintain and replace existing kitchen appliances/equipment (at no cost to the Authority). The CBVI will also provide liability insurance. The BEP Operator will receive all the revenue from sales of cafeteria items as well as vending machines. Under the permit, the arrangement will continue as long as it is mutually beneficial to all parties. The Authority could terminate the permit for convenience with 60 days notice to the CBVI. The permit will be reviewed by legal counsel prior to execution by the Executive Director. Subsequent to the execution of a Permit, the CBVI representatives believe that a new operator could commence services within a period of weeks.

Staff had anticipated that the RFP solicitation would have been completed by this time. Given the outcome of the second RFP process and staff's current negotiations with the CBVI, the Patron Services Division has requested that the Sodexo Inc.'s month-to-month contract be extended for three additional months through May 31, 2009. This would facilitate a smooth transition to the new BEP Operator and provide adequate notice to Sodexo Inc.'s on-site employees. The three-month increase would be in an amount not to exceed \$20,000.

Accordingly, authorization is requested to permit Authority staff to negotiate and finalize a Permit with the New Jersey CBVI Business Enterprise Program for the provision of an operator for food services at the STMC, as outlined herein.

In addition, authorization is requested to extend the current contract with Sodexo Inc. for the period through May 31, 2009 and to increase the authorized amount by \$20,000. This would bring the total authorized amount of Contract No. 256 to \$255,000.

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79N-09

In the memorandum dated February 9, 2009, concerning a recommendation to Increase Amount of Contract No. 717 – This is It! Productions Inc. – Garden State Cultural Center Fund's Annual Kids Day Weekend, Art Center Event.

At the April 24, 2007 Commission Meeting, authorization was granted to award a contract to This is It! Productions Inc., Hoboken, New Jersey to coordinate the Cultural Center Fund's Annual Kids Day Weekend in an amount not to exceed \$229,000. This contract was publicly advertised 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 term of the contract was for two years with an option to extend for one additional year. Contract No. 717 is in its second year of operation. Increases were capped at the CPI for services in Northern New Jersey for the second and third years, respectively. Thus, with a CPI of 4.3% for Northern New Jersey service, the total authorized amount for 2008 was \$238,847. The Cultural Center Fund staff has requested that this amount be increased by an additional \$5,153 to pay outstanding invoices which originated in 2008 due to increased production costs.

Accordingly, authorization is requested to increase Contract No. 717 with This is It! Productions, Inc. in an amount not to exceed \$5,153.00 for the period through October 31, 2008. This will bring the total authorized amount of the Contract for 2008 to \$244,000.

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79O-09

In the memorandum dated March 11, 2009, concerning a recommendation to Increase Amount of Professional Services Contract No. 7988 with Rutgers University, Center for Advanced Information Processing, Traffic Simulation Model and Traffic Analysis, Special Project Reserve Fund 04008012.

Authorization is requested to increase the authorized amount of the Authority's existing Professional Services Contract No. 7988, Traffic Simulation Model and Traffic Analysis, with Rutgers University, the Center for Advanced Information Processing ("Rutgers"), New Brunswick, New Jersey.

Through the Office of Strategic Transportation Policy and Planning, a professional services contract was awarded to Rutgers at the August 2005 Commission Meeting (Agenda Item 233D-05) for the custom design of a Traffic Simulation Model ("Model") of the Authority's roadways (Turnpike and Parkway), interchanges and toll plazas. The Model was developed to facilitate traffic management of the toll roadway network by enhancing the Authority's ability to analyze and evaluate operational, maintenance, and capital construction alternatives in advance of implementation. The scope of work consisted of the calibration of the Turnpike network (which was previously created under a separately funded Federal Highway Administration project), initial design of the Parkway network, and five custom traffic analysis applications. Work under this contract was completed in December 31, 2006.

The second Phase of this work was funded under the Special Projects Reserve Fund budget. As part of the Phase II of the work, Rutgers developed the mainline Parkway model, and five additional custom traffic analyses. Rutgers also developed and implemented a unique decision support application-Parkway Operations Lane Closure Application ("POLCA")/ Rutgers Interactive Lane Closure Application ("RILCA") (cooperatively the "POLCA/RILCA"). Rutgers trained Authority's staff to use the Model's software and the POLCA/RILCA. This work was completed on December 31, 2008.

On March 5th, 2009, Rutgers submitted a proposal to continue to maintain and enhance capabilities of the POLCA/RILCA, to complete the development and calibration of the Parkway Model and its integration with the already developed Turnpike Model, to develop six custom traffic analyses, and continue to provide training/ technology transfer activities to support the use of the state-of-the-art traffic Models. The estimated duration to complete the proposed work is 12 months and the estimated cost is \$150,000. Approximately \$120,000 will be committed in Fiscal year 2009, and the remaining, \$30,000 will be committed in Fiscal year 2010 under the Special Projects Reserve Fund budget, Project No. 04008012.

Based on Rutgers' successful completion of a substantial portion of the Model and it continues to provide the Authority with useful traffic engineering tools and services that enhance its short and long term operations, and is a New Jersey State entity, which has performed similar services for the Authority in the past, the Office of Strategic Policy and Planning finds that the proposed cost for Rutgers to provide these services is reasonable. Accordingly, authorization is requested to increase the contract with Rutgers University for the services described herein, in an amount not to exceed \$150,000.00. This will bring Contract No. 7988 to a total authorized amount not to exceed \$472,554.00. The original Contract was promulgated pursuant to N.J.S.A. 23:6-1 and N.J.A.C. 19:9-2.1(b).

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 Evans, seconded by Commissioner DuPont, the Authority approved the fifteen (15) item Purchasing agenda; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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GENERAL BUSINESS

80-09

Chief of Staff Orlando presented the recommendation contained in a memorandum dated February 17, 2009, concerning the **2009 Budget for the Garden State Cultural Center Fund and Garden State Arts Foundation.**

A submitted schedule summarized the proposed operating budget for the Year 2009 for the Garden State Cultural Center Fund and Garden State Arts Foundation.

The Cultural Center Fund Budget supports performances presented free of charge to senior citizens, school children, and other New Jersey residents at the PNC Bank Arts Center and at various venues statewide. The budget also supports three International Heritage Festivals presented at the PNC Bank Arts Center as well as the Thomas H. Kean Scholarship Program. The Cultural Center Fund will be supplemented by the Grand Cash Raffle, Spring and Fall Senior Raffles, Senior Magazine Advertisement sales and outright contributions. There are currently sufficient funds in the Foundation's reserves in order to present the 2009 schedule of events.

Therefore, it is recommended that the Authority adopt the proposed 2009 Budget for the Garden State Cultural Center Fund in the amount of \$610,500.

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

On motion by Commissioner Evans, seconded by Commissioner Hodes, the Authority approved the recommendation; adopted the proposed 2009 Budget for the Garden State Cultural Center Fund and Garden State Arts Foundation, as submitted; and received and filed the memoranda.

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81-09

Chief of Staff Orlando presented the recommendation contained in the memorandum dated February 17, 2009, concerning **Adoption of Preliminary Events Calendar and Delegate Authority to Executive Director to Finalize the 2009 Programming Schedule – Garden State Cultural Center Fund and Garden State Arts Foundation**

The Garden State Cultural Center Fund in conjunction with the Garden State Arts Foundation provides a series of free programs annually. Certain performances and events are scheduled specifically for senior citizens, and others for school children. These performances are presented at the PNC Bank Arts Center in Holmdel and at various venues statewide. Evening classical and cultural events are open to the general public. International Heritage Festivals representing major ethnic communities throughout our state are also a part of this program. These events are held exclusively at the PNC Bank Arts Center.

A Garden State Arts Foundation and Garden State Cultural Center Fund 2009 preliminary calendar of events was submitted for Commissioner's review.

The scheduling process for the 2009 Program year has been initiated. Authorization is requested to delegate to the Executive Director the authority to finalize the 2009 schedule and to enter into and execute any and all contracts with performing artists, agents and vendors, not to exceed an amount of \$610,500 (total cost of all programming for the 2009 season) and to take other steps necessary to facilitate the agenda for the 2009 season.

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

On motion by Commissioner Evans, seconded by Commissioner Singleton, the Authority approved the recommendation; adopted a preliminary events calendar and delegated authority to the New Jersey Turnpike Authority's Executive Director to finalize the 2009 Programming Schedule, as outlined; and received and filed the memoranda.

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82-09

Finance Director Hayllar presented the financial results of the New Jersey Turnpike Authority for the Two Months ended February 28, 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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83-09

Resume of All Fatal Accidents – Garden State Parkway and New Jersey Turnpike. Submitted by Operations Director Hill, they contain a descriptive summary for the Period 1/1/09 to 3/16/09, together with 2008 – 2009 Yearly Comparisons for the two months through February 2009. On motion by Commissioner Singleton, seconded by Commissioner Pocino, the Authority unanimously accepted the résumé's and received for file.

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84-09

New Jersey State Police Troops D and E - Reports of Activities for the two months through February, 2009, including 2008 – 2009 Yearly Comparisons, were submitted by Major Walker, New Jersey State Police Troop D Commander. On motion by Commissioner DuPont, seconded by Commissioner Pocino, the Authority unanimously accepted the reports and received for file.

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Upon conclusion of the agenda, Chairman Dilts opened the floor to public comment on and other matters. There was no response.

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The motion to adjourn was made by Commissioner DuPont, seconded by Commissioner Evans and, after the voice vote, the motion was duly adopted. The Authority adjourned at 10:42 A.M., to meet on Tuesday, April 28, 2009, at 9:30 A.M.

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The Secretary acknowledges receipt of the following documents for file:

COMMUNICATIONS

Copy of Two Letters dated March 16, 2009, from New Jersey Governor Jon Corzine and the Governor's Director of Appointments, appointing Ulises E. Diaz a Commissioner of the New Jersey Turnpike Authority. Stated Term: Effective immediately and continuing until 2/14/10.


ADDITIONAL REPORTS:

Purchases – under Executive Directors Delegated Authority (EDDA) Resolution 40-95, for the one-month period: February 1, 2009 through February 28, 2009.

Utility Orders – (zero) under EDDA 117-05; Dated March 31, 2009.

Contract Change Order Summary, Type 1 and Type 2 – Period February 6, 2009 through March 12, 2009, Dated March 31, 2009.

Construction Progress – Period Ending March 13, 2009; Dated March 31, 2009.


Rose Stanko
Secretary

APPROVED:

Stephen Dilts, Chairman and NJ Department of Transportation Commissioner

Michael R. DuPont, Treasurer

Harold L. Hodes, Commissioner

David G. Evans, Commissioner

Raymond M. Pocino, Commissioner

Clive S. Cummis, Commissioner (ABSENT)

Troy Singleton, Commissioner

Ulises E. Diaz, Commissioner