

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY
TUESDAY, APRIL 28, 2009**

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

PRESENT

Commissioner/Treasurer Michael DuPont; Commissioner Raymond Pocino; Commissioner Troy Singleton; NJDOT Commissioner Designee Kathy Diringer; and (participating via telephone conferencing) Commissioner Harold Hodes; Commissioner David Evans; and Commissioner Ulises Diaz.

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

Also present were: General Counsel Judy Verrone; General Consultant James Beattie; Governors' Authorities Unit Representative Sonia Frontera; additional individuals consisting of other NJTA employees; interested organizations; and the general public. No media was present.

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 March 18th and the regular meeting of March 31st; he has not exercised his power to veto any items in those minutes.

Upon motion made by Commissioner Pocino, seconded by Commissioner Singleton, the minutes of the special meeting of March 18, 2009 and the regular meeting of March 31, 2009 were unanimously approved.

RECUSALS

The Secretary reported that advisements of recusal have been submitted regarding agenda items: 93-09, 95-09, 109B-09 and 110J-09 for Commissioner Hodes; and 94-09, 95-09,

96-09, 98-09, 99-09 109A-09 and 109B-09 for Commissioner Pocino. 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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At this juncture, it was determined that a separate Executive Session was not required and Commissioner DuPont opened the floor for comment pertaining to the public items being presented for Board approval. There was no response.

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

HUMAN RESOURCES

86-09

Human Resources Director Garrity submitted the **Personnel Agenda**, dated April 28, 2009, and requested confirmation of the personnel matters contained therein.

The Executive Director certified the recommendation for consideration.

On motion by Commissioner Pocino, seconded by Commissioner Singleton, 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 87-09 through 91-09; moved as a group, those items are as follows:

87-09

In a memorandum dated April 6, 2009, concerning the recommendation to **Settle Formal Workers' Compensation Matter of Anthony Acerra v. New Jersey Turnpike Authority**, Account 10-870-405070

Anthony Acerra, a Parkway Toll Collector hired in February 1997, sustained injury to the low back while lifting a money vault in January, 2001. Mr. Acerra did receive authorized medical care and underwent surgery in November, 2001, performed by Dr. Glastein. The claim was settled for 40% of permanent partial total for the residuals of disc protrusion at L2-3 and L3-4, spinal fusion at L5-S1, insertion of a spinal stimulator, and paravertebral myositis. The Authority received a 10% credit for a prior motor vehicle accident before becoming employed by the Authority. Including that credit, the settlement amount at that time was \$75,600.00. Claiming continued back and lower extremity pain, Mr. Acerra re-opened his Claim Petition in 2004. He was treated with pain management beginning October, 2003. A neurophysiologic study, ordered by Dr. Blanco, was performed on 4/16/04 at Bayshore Community Hospital, revealing peripheral neuropathy involving both lower extremities and sequelae of bilateral L5-S1 lumbosacral radiculopathy. Petitioner was also examined by Dr. Steven Reich, a spine specialist, in July and December, 2004. Dr. Reich reviewed his most recent MRI which revealed a bulge to the right at L2-3. Dr. Reich also found

limited spine motion, lumbar sprain, and pain into the extremities. An evaluation by Dr. Robert Warren from Point Pleasant, NJ, on July 6, 2005, found the same conditions. Neither Dr. Warren nor Dr. Reich felt that Mr. Acerra was a candidate for further surgery.

The petitioner is represented by Robert Olkowitz, Esq. of Red Bank, NJ. The Authority is defended by Special Counsel Stacie Brustman of R.C. Shea & Associates in Toms River. The matter is venued in the district office of Ocean before Judge Lionel Simon.

Permanency findings by Dr. Robert Bachman on behalf of the respondent, opined a worsened condition and 12.5% partial total. Also Dr. Warren valued this in 2005 at 27.5% with 7.5% due to the original injury, and the balance of the increase due to degenerative changes.

Permanency findings on behalf of the petitioner, performed by Dr. Kregel, opined a 35% increase in disability over the level of the prior award. Special Counsel had a detailed conference with Judge Simon and petitioner's counsel. After reviewing the medical findings, Judge Simon recommended the case be resolved at 17.5% increase over the prior award. This represents 57.5% (\$163,185.00), disability of the low back, minus our 40% credit (\$75,600.00), from petitioner's prior award, equaling a new award of \$87,585.00. Given that the Judge has placed a value on the claim, it is unlikely that we could expect a better outcome if we force a trial, indeed the award may be substantially higher. It should also be noted that Mr. Acerra has incurred permanent restrictions, which preclude his return to his job at the Authority. If Mr. Acerra applies for, and is granted, an Ordinary disability retirement pension by PERS for these injuries, the Authority will enjoy an offset of those pension benefits against this award.

The Law Department has reviewed this matter and agrees with the recommendation of the Special Counsel, the Authority's third party workers' compensation administrator and the Assistant Director, HR, Safety & Benefits. Authorization is, therefore, requested to allow Special Counsel to settle this matter for the sum of \$87,585.00.

88-09

In a memorandum dated April 6, 2009, concerning the recommendation to **Settle Formal Workers' Compensation Matter of Robert Cavileer v. New Jersey Turnpike Authority,**
Account No. 10-870-405070

Robert Cavileer, a Parkway Landscaper hired in April 1985, suffered left shoulder and neck injury when a chair slipped out from under him while trying to pick up a drill bit off the floor in April 20, 2000. Mr. Cavileer underwent physical therapy in September, 2000 but he continued to complain of pain in the shoulder and radiating pain down the arm. An MRI of the left shoulder in 2001 revealed a small tear of the supraspinatus tendon and acromial impingement. The Petitioner had rotator cuff surgery performed by Dr. Skolnick in June, 2001. In 2002 Mr. Cavileer filed a Claim Petition for the injury, was represented by Petro, Cohen & Matarazzo and was awarded 35% of the left shoulder equating to \$55,650. The cervical aspect of the claim was not addressed. The Petitioner filed to reopen the claim in August, 2006. He was examined by Charles Rizzo, MD,

a Turnpike Authority authorized orthopedic surgeon. Dr. Rizzo found restricted motion in the left shoulder and based on an MRI taken October 25, 2007, for the first time diagnosed cervical radiculopathy, spondylolytic disc bulges and foraminal stenosis. Dr. Rizzo also causally relates the cervical condition to the injury of April, 2000. After conservative treatment and a home exercise program failed, the petitioner underwent another shoulder surgery with decompression and capsular release, performed by Dr. Matthew Pepe of the Rothman Institute in September, 2007.

The petitioner is represented again by Petro, Cohen and Matarazzo from Northfield, NJ. The Authority is defended by Special Counsel Frank J. Dupignac of Hiering, Dupignac, Stanzone & Dunn, located in Toms River. The matter is venued in the district office of Toms River before Judge Henson.

Permanency findings by Dr. Robert Bachman on behalf of the respondent, opined 7.5% or \$6,795, partial total for the shoulder with no increase in disability. Permanency findings on behalf of the petitioner, performed by Dr. Ralph Cataldo, opined 55% (\$137,280.00), partial total for the cervical spine and 85% (\$289,680), for the left shoulder (a 50% increase over the prior award). Special Counsel believes that the most recent surgery alone has a value of 20% and the shoulder has an overall value of 40-42.5% not including the prior award. In addition, since respondent's physician causally relates the cervical injury to the original accident, Counsel recommends a settlement of 55% partial total including the cervical condition and we cannot expect a better outcome if the case is tried. This would equate to \$137,280.00 less our credit from the prior award of \$55,650.00 for net award of \$81,630.00.

The Law Department has reviewed this matter and agrees with the recommendation of the Special Counsel, the Authority's third party workers' compensation administrator and the Assistant Director, HR, Safety & Benefits. Authorization is, therefore, requested to allow Special Counsel to settle this matter for the sum of \$81,630.00.

89-09

In the memorandum dated April 20, 2009, concerning the recommendation to **Acquire by Negotiated Purchase Four (4) Properties Necessary for New Jersey Turnpike Authority Interchange 6 to Interchange 9 Widening Program**, 2009 Capital Construction Program, Amount: \$ 2,885,001.

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 four properties listed herein are necessary for the Widening Program. To that end, the Authority had appraisals prepared by independent appraisers and reviewed by Value Research Group, LLC, the Authority's Real Estate Manager/Consultant, which set a value for each. The Authority then entered into good faith negotiations for the purchase of same based on this appraised value. The following is a description of each property for which the parties have negotiated terms of sale:

- 1) Design Section 2, Turnpike ROW Section 3E
Parcel Series 251, Portion of Block 92, Lot 22,
Bordentown Georgetown Road, County Route 545 (Partial Taking)
Bordentown Township, Burlington County
Owner: Williamsburg Village Condominium Association
Amount: \$ 550,000.00

The subject property is one parcel (the "Property") consisting of approximately 29 acres, adjacent to the New Jersey Turnpike, which is located within an overall 66.00 acre, 396 residential unit condominium complex referred to as Williamsburg Village. The Authority must acquire the following interests in the Property: (1) a fee simple interest in 1.024 acres of land to be designated as Parcel 251; (2) a utility easement containing 1.392 acres of land for purposes of relocating an interstate pipeline to be designated as Parcel UE958; and (3) a temporary construction easement containing 0.293 acres of land to be designated as Parcel C251. A proposed settlement was previously approved at the February Commission Meeting however contract terms could not be reached. Further negotiations followed and the parties agreed on the new settlement terms as set forth herein.

- 2) Design Section 5, Turnpike ROW Section 4H
Parcel Series 1030B, Block 23, Lots 4.02 and 4.03;
Sharon Road, Robbinsville Township, Mercer County (Partial Taking)
Owner: Palesado, Jr., Joseph J.
Amount: \$ 135,000.00

The property currently consists of three subdivided lots, Lots 4.01, 4.02 and 4.03 which total approximately 12.282 acres of vacant, unimproved land and which lots collectively were formerly known as Lot 4. The Authority must acquire a fee simple interest in: (1) 0.80 acres from Lot 4.02 (leaving a remainder of 2.982 acres); and (2) 4.10 acres from Lot 4.03 (leaving a remainder of 1.44). No taking will occur from Lot 4.01 which lot is 2.957 acres in size.

- 3) Design Section 3, Turnpike ROW Section 3F
Parcel Series 330, Block 2713, Lot 22 (Partial Taking)
Uncle Pete's Road, Hamilton Township, Mercer County
Owner: H. Kenneth and June D. Bird
Amount: \$ 1.00

The property currently consists of a 15.70 residentially zoned, unimproved tract of land. The Authority must acquire the following interests in the Property: (1) a fee simple interest in 0.16 acres to be designated as Parcel R330; (2) a drainage easement impacting 0.029 acres to be designated as Parcel D330; (3) a drainage easement impacting 0.029 acres to be designated as Parcel 2D330; (4) a slope easement impacting 10,697 square feet to be designated as Parcel E330; and (5) a utility easement impacting 10,697 square feet to be designated as Parcel AE330. Pursuant to the terms of the settlement reached between the parties, this property which was previously landlocked will be given a grant of access to the local roadway.

- 4) Design Section 7, Turnpike ROW Section 4K
Parcel 1161, Block 12, Lot 1 (Full Taking)
Township of East Windsor, County of Mercer
Owner: EWH Realty Associates, LLC
Amount: \$2,200,000.00

The property is an irregular shaped, 53.993 acre lot with approximately 664 feet of frontage along the N.J. Turnpike, its easterly boundary, and approximately 1,284 feet of frontage along Wyckoffs Mill Road and Cranbury Station Road. It is a fairly level lot with extensive wetlands and a flood zone at its northernmost tip. The acquisition of this property will satisfy both Riparian Zone and Delaware and Raritan Canal Commission mitigation requirements.

Note that none of the above referenced takings will require the expenditure of funds for relocation benefits as defined by statute.

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

encumbered as Green Acres properties pursuant to N.J.S.A. 13:1D-52 et seq. and N.J.A.C. 7:35-26.1 et seq.

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

Based on the foregoing, it is requested that the Authority Commissioners authorize the Executive Director and Director of Law to take all steps necessary to purchase the properties outlined above for the amounts set forth herein 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.

90-09

In a memorandum dated April 21, 2009, concerning the recommendation to **Acquire Five (5) Properties Necessary for the New Jersey Turnpike Authority Interchange 6 to Interchange 9 Widening Program**, 2009 Capital Construction Program

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

- 1) Design Section 8, Turnpike ROW Section 4L
Parcel 1215; Block 2, Lot 5 and Qualifier B01 (Billboard)
269 Prospect Plains Road, Cranberry Township, Middlesex County
Owner: Witt, Ronald C. and Nancy B.
Amount: \$1,800,000 (this amount included in a previously approved negotiated settlement)
A negotiated settlement was approved in this matter at the Commission Meeting of February, 2009; however, a final agreement has not been reached. The subject property is a rectangular shaped parcel approximately 4.84 acres in size zoned L-I (Light-Industrial) and is improved with a 6,658 square foot owner occupied office building. The site has a frontage of 400 feet and a depth of 528 feet. The two-story office building was built in 1858 and recently renovated. There is also a double sided billboard located at the rear of the property facing the New Jersey Turnpike.

- 2) Design Section 4, Turnpike ROW Section 4G
Parcel Series 960, Block 38, Lot 1
Circle Drive, Robbinsville Township, Mercer County (Partial Taking)
Owner: Epicenter, Inc.
Amount: \$ 90,000

The subject property currently consists of 51.422 acres of vacant, unimproved land. The Authority must acquire the following interests: (1) a fee simple interest in 2.016 acres of the property to be designated as Parcel 960 (leaving 49.426 acres as the fee remainder); (2) a 50 foot wide, 1.919 acre subsurface utility easement that traverses the tract to be used for installation and maintenance for Colonial Pipeline to be designated as Parcel UE960; (3) a temporary construction easement of 1.806 acres to be designated as Parcel C960; and (4) a 3.388 acre temporary construction easement to be designated as Parcel 2C960.

- 3) Design Section 6, Turnpike ROW Section 4J
Parcel No. 1115, Block 22, Lot 18
36 Daniel Road, East Windsor Township, Mercer County (Partial Taking)
Owner: Estate of Homer and Beatrice McLeod
Amount: \$ 95,000

The property currently consists of a 10,595 square foot lot improved with a vacant, single family residence. The Authority must acquire the following interest in the property: (1) a fee simple interest in approximately 2,400 square feet of the property.

- 4) Design Section 6, Turnpike ROW Section 4J
Parcel Series R1081, Block 22, Lot 10
261 Etra Road, East Windsor Township, Mercer County (Partial Taking)
Owner: Oscar Ramos and Michael R. Ramos
Amount: \$ 217,000

The property currently consists of 11.728 acres of vacant industrial land. The Authority must acquire the following interests in the property: (1) a fee simple interest in 2.041 acres of the property to be designated as Parcel R1081; (2) a slope easement impacting 0.288 acres of the property to be designated as Parcel RE1081; (3) an easement consisting of the right to install and maintain the Colonial Pipeline impacting 1.363 acres of the property to be designated as parcel RUE1081; (4) a temporary construction easement impacting 1.151 acres of the property to be designated as Parcel RC1081; and (5) a temporary construction easement impacting 0.049 acres of the property to be designated as parcel 2C1081.

- 5) Design Section 1, Turnpike ROW Section 3D
Parcel Series 178, Block 47.01, Lots 11 & 12
Columbus Road & Jacksonville Road, Mansfield Township,
Burlington County (Partial Taking)
Owner: Avis Realty, LLC
Amount: \$ 146,700

The property currently consists of approximately 112.97 acres of vacant unimproved land. The Authority must acquire the following interests in the property: (1) a fee simple interest in 6.498 acres of the property to be designated as Parcel 178; (2) a slope easement impacting 0.207 acres of the Property to be designated as Parcel E178; (3) a temporary construction easement impacting 0.105 acres of the property to be designated as Parcel C178; and (4) a temporary construction easement impacting 0.261 acres of the property to be designated as parcel 2C178.

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.

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:

Witt Property	\$ 1,800,000.00
Epicenter Property	\$ 90,000.00
McLeod Estate	\$ 95,000.00
Ramos Property	\$ 217,000.00
Avis Realty, LLC	\$ 146,700.00

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

91-09

In the memorandum dated April 21, 2009, concerning the recommendation to **Increase Amount Previously Authorized for the Acquisition of Materials Required for the Relocation of Interstate Gas and Petroleum Pipelines Owned by Certain Utilities as Required by the New Jersey Turnpike Interchanges 6 to 9 Widening Program** and to Authorize the Executive Director to Execute Any and All Documents Necessary to Effectuate Same, 2009 Capital Construction Program, Modified Amount: \$20,000,000.

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.

At the December 10, 2007 Commission Meeting, the Authority authorized the Executive Director to execute any and all documents necessary to effectuate the acquisition of materials required for the relocation of Interstate Gas and Petroleum pipelines owned by Colonial Pipeline (petroleum), Sunoco (petroleum) and Transco/Williams (natural gas) as affected by the Widening Program (together the "Affected Pipelines"). As previously described, the Widening Program necessitates the relocation of the above pipelines, which run parallel to the New Jersey Turnpike (also referred to as "Longitudinal Utilities"), to outside the Turnpike right-of-way in areas where they conflict with the future expansion of the Turnpike. As previously indicated, in areas where it is feasible to allow the Affected Pipelines to remain in place and in the Turnpike right-of-way without conflicting with the expansion, the Authority will allow the Affected Pipelines to remain in place. This accommodation will not only save the Authority the cost of relocation, but will also allow the construction of the Widening Program to proceed in a timely manner. At the time the original estimate was prepared, the estimated relocation cost of the Affected Pipelines was based on a Preliminary Design of the entire Widening Program. Over the past two years, the Authority has worked with the utility companies, analyzed the relocation in more detail, and developed a conceptual relocation that has been agreed to by all parties. As a result of this collaboration and the

progression of the design, the estimated cost of materials for the relocation of the Affected Pipelines has increased from \$10,000,000 to \$20,000,000.

It is, therefore, recommended that the \$10,000,000 additional funding for the acquisition of materials required for the relocation of the Affected Pipelines essential for the Interchange 6 to 9 Widening Program be allocated from the 2009 Capital Construction Program. It is requested that the Authority's Commissioners authorize and direct the Executive Director and the Director of Law, along with the advice and consent of General Counsel and the Chief Engineer, to execute any and all documents necessary to effectuate the acquisition of the materials required for the timely movement of the affected utilities provided that the scope of such authorization does not exceed Twenty Million Dollars (\$20,000,000).

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

On motion by Commissioner Pocino, seconded by Commissioner Singleton, the Authority unanimously approved the five (5) item Law agenda; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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ENGINEERING

Chief Engineer Raczynski requested approval of items 92-09 through 109B-09. Moved as a group, those items are as follows:

92-09

In a memorandum dated April 9, 2009, concerning a recommendation to **Execute Utility Order No. 1212-T – Sunoco Pipeline LP – Turnpike Interchange 6 to Interchange 9 Widening** Program, Townships of Mansfield, Bordentown and Chesterfield, Burlington County, Construction Fund No. 06510057.

A Utility Order is required to perform design services associated with the relocation of approximately 3.5 miles of existing Sunoco Pipeline L.P. facilities that will be directly impacted by the construction of the Interchange 6 – 9 Widening Program between Milepost 48.7 and 57.0 on the New Jersey Turnpike.

In this regard, the Authority will prepare Utility Order No. 1212-T in order to reimburse Sunoco Pipeline L.P. for preliminary and final design services, including activities such as survey, geotechnical design, proposed pipeline alignment design and preparation of final bid documents.

The cost of this Utility Order was provided by Sunoco Pipeline L.P. and is based on the preliminary proposed pipeline relocation and known conditions at the time. The cost proposal is considered reasonable and its approval is recommended.

It is, therefore, recommended that the Executive Director be authorized to execute Utility Order No. 1212-T in the amount of \$1,400,000.

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93-09

In a memorandum dated April 16, 2009, concerning a recommendation to **Execute Utility Order No. 1214-T – PSE&G Electric – Contract Nos. T869.120.201, T869.120.202 and T869.120.203, New Jersey Turnpike Interchange 6 to Interchange 9 Widening Program**, Bordentown and Chesterfield Townships, Burlington County, 2009 Capital Construction Program and Future Bond Issue.

A Utility Order is required to perform utility relocations of existing PSE&G Electric facilities that will be directly impacted by the construction of Contract Nos. T869.120.201, T869.120.202 & T869.120.203 of the New Jersey Turnpike Interchange 6 to 9 Widening Program, Design Section No. 2. The Authority will reimburse PSE&G Electric for the removal of existing poles, the relocation of approximately 3,000 feet of existing aerial facilities to new underground facilities, cost of materials, engineering, inspection and associated activities. The Authority's contractor will be responsible for purchasing and installing the associated manholes, conduits and ducts. This work will be done in the vicinity of Route 206 (MP 53.0), Route 545 (MP 54.0), Route 528 (MP 55.1), Shanahan Lane (MP 55.8) and Ward Avenue (MP 56.4) in Bordentown and Chesterfield Townships, Burlington County.

The cost of this Utility Order was provided by PSE&G and is based on the final improvements and known conditions at the time. The Engineering Department has reviewed the cost proposal, finds it reasonable and approval is recommended.

It is, therefore, recommended that the Executive Director be authorized to execute Utility Order No. 1214-T in the amount of \$1,645,000, allocated as follows: 2009 Capital Construction Program - \$300,000 and Future Bond Issue - \$1,345,000.

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94-09

In a memorandum dated April 1, 2009, concerning a recommendation to **Award Contract No. P200.045 – Richard E. Pierson Construction Co. Inc.** – Garden State Parkway Interchange 63 to Interchange 80 Widening, Milepost 70.0 to Milepost 75.0, 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 70.0 to 75.0, in the Townships of Lacey and Berkeley in Ocean County, New Jersey, and other related work as detailed in the contract documents. This construction contract is scheduled to be completed by June 2011.

Eight proposals were received on March 26, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$31,313,370.38, may be compared to the second low bid proposal in the amount of \$33,198,489.61. The low bidder, Richard E. Pierson Construction Co., Inc. has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P200.045 be awarded to the low bidder, Richard E. Pierson Construction Co., Inc. of Pilesgrove, New Jersey, in the amount of \$31,313,370.38, allocated as follows: \$10,000,000.00 in 2009; \$18,000,000.00 in 2010; and \$3,313,370.38 in 2011. 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.

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95-09

In a memorandum dated April 17, 2009, concerning a recommendation to **Award Contract No. P200.046 – Earle Asphalt Company** – Garden State Parkway Widening, Interchange 63 to Interchange 80, Milepost 63.0 to 70.0 and Barnegat Toll Plaza Improvements, 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 63.0 to 70.0, construction of express E-Z Pass toll facilities, a new utility building, overhead sign structures and culvert extensions in the Township of Stafford, Township of Ocean and Township of Barnegat, New Jersey, and other related work as detailed in the contract documents. This construction contract is scheduled to be completed by August 2011.

Six proposals were received on April 16, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$41,958,933.03, may be compared to the second low bid proposal in the amount of \$45,675,622.31. The low bidder, Earle Asphalt Company, has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P200.046 be awarded to the low bidder, Earle Asphalt Company of Farmingdale, New Jersey, in the amount of \$41,958,933.03, allocated as follows: 2009 Capital Construction Program - \$9,000,000 and Future Bond Issue - \$32,958,933.03. 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.

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96-09

In a memorandum dated April 15, 2009, concerning a recommendation to **Award Contract T200.105 – Crisdel Group Inc.** – Resurfacing, Turnpike Milepost 74 to Milepost 122, 2009 Capital Construction Program and Future Bond Issue.

This contract will provide for the resurfacing of asphalt surface course pavement along Mainline Turnpike roadways, ramps, shoulders, toll plazas and other incidental work from MP 74 to MP 122 in Middlesex, Union, Essex, Hudson and Bergen Counties.

Five proposals were received on April 14, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$9,417,920.40, may be compared to the second low bid proposal in the amount of \$9,464,600.00. The low bidder, Crisdel Group, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T200.105 be awarded to the low bidder, Crisdel Group, Inc. of South Plainfield, New Jersey, in the amount of \$9,417,920.40, allocated as follows: 2009 Capital Construction Program - \$7,500,000.00 and Future Bond Issue - \$1,917,920.40. 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.

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97-09

In a memorandum dated April 1, 2009, concerning a recommendation to **Issue Order for Professional Services No. T3199 – Kupper LLC** – Supervision of Construction Services for Contract No. T200.105: Resurfacing, Turnpike MP 74 to MP 122, Maintenance Reserve Fund No. 03010002; and Contract No. A200.122: Turnpike and Parkway Clear Zone Maintenance and Right-of-Way Fencing, Various Locations, 2009 Capital Construction Program and Future Bond Issue.

This Order for Professional Services (OPS) provides supervision of construction for the referenced contracts. The work to be performed under Contract No. T200.105 consists of resurfacing the Turnpike roadway at various locations between Milepost 74 and 122. The work to be performed under Contract No. A200.122 consists of clear zone maintenance and the installation of right-of-way fencing at various locations along both the Garden State Parkway and New Jersey Turnpike.

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 50 engineering

firms prequalified and eligible under Profile Codes B153 – Roadway Construction Inspection and B154 – Roadway Resurfacing Inspection. One firm submitted an EOI by the closing date of February 20, 2009. In accordance with the policy for the procurement of professional services under Executive Order No. 26, when less than three EOIs are submitted, the selection process may proceed as determined by the Executive Director in consultation with the Chief Engineer.

Subsequent to the review of the EOI, a Fee Proposal was requested from Kupper LLC, which was reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. T3199 be issued to the firm of Kupper LLC of Trenton, New Jersey in the maximum amount of \$920,000, allocated as follows: Fund 03010002 - \$400,000 in 2009 and \$80,000 in 2010; 2009 Capital Construction Program - \$360,000 and Future Bond Issue - \$80,000. 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).

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98-09

In a memorandum dated April 9, 2009, concerning a recommendation to **Award Contract No. T200.114 – Joseph DeFino Trucking Co., Inc. d/b/a DeFino Contracting Co.** – Median Inlet Repairs, Turnpike Milepost 0 to Milepost 83, Salem, Gloucester, Camden, Burlington, Mercer and Middlesex Counties, 2009 Capital Construction Program Fund and Future Bond Issue.

The work to be performed under this contract will involve median inlet repairs along the Turnpike mainline from MP 0 to 83, both northbound and southbound. The work includes maintenance and protection of traffic, excavating pavement, reconstruction of inlet walls, installing new grates and repaving shoulder areas around each inlet reconstructed.

Twelve proposals were received on April 8, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$1,427,000, may be compared to the second low bid proposal in the amount of \$1,444,278. The low bidder, Joseph DeFino Trucking Co., Inc. d/b/a DeFino Contracting Co., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T200.114 be awarded to the low bidder, Joseph DeFino Trucking Co., Inc. d/b/a DeFino Contracting Co. of Cliffwood Beach, New Jersey, in the amount of \$1,427,000, allocated as follows: \$1,100,000 in 2009 and \$327,000 in 2010. 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.

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99-09

In a memorandum dated April 15, 2009, concerning a recommendation to **Award Contract No. T869.120.601 – A. Servidone, Inc. and B. Anthony Construction Corporation, Joint Venture** – Turnpike Interchange 6 to Interchange 9 Widening Program, Interchange 8, Grading, Drainage and Structures, Milepost 67.5, Township of East Windsor, Mercer County, 2009 Capital Construction Program and Future Bond Issue.

This contract involves the placement of embankment for the relocated Interchange 8 Toll Plaza; construction of embankment, retaining walls, and sub-structures for the proposed maintenance U-turn and Milford Road structures; and excavation for proposed stormwater basins. Construction is anticipated to commence in May/June of 2009.

Ten bid proposals were received on April 14, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$10,484,233.60, may be compared to the second low bid proposal in the amount of \$10,877,701.00. The low bidder, A. Servidone, Inc. and B. Anthony Construction Corporation, Joint Venture, has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T869.120.601 be awarded to the low bidder, A. Servidone, Inc. and B. Anthony Construction Corporation, Joint Venture of Old Bridge, New Jersey, in the amount of \$10,484,233.60, allocated as follows: 2009 Capital Construction Program - \$5,000,000.00 and Future Bond Issue - \$5,484,233.60. 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.

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100-09

In a memorandum dated April 9, 2009, concerning a recommendation to **Issue Order for Professional Services No. P3170 – Stantec Consulting Services, Inc.** – Design Services, Implementation of One-Way Tolls, Garden State Parkway, Pascack Valley Toll Plaza, Construction Fund No. 06560041.

This Order for Professional Services (OPS) provides for all design services required to prepare complete construction documents for the implementation of One-Way Tolls at the Pascack Valley Toll Plaza and other related work defined in the OPS' Scope of Services.

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 22 engineering firms prequalified and eligible under Profile Codes A250 – Fully Controlled Access Highways and A256 – Toll Plazas (site, islands, tunnels and canopy). Two firms submitted EOIs by the closing date of March 19, 2009.

Subsequent to the scoring of the EOIs, a Fee Proposal was requested from the two firms. They are, in the order of technical ranking: 1) Stantec Consulting Services, Inc. and 2) Boswell Engineering. The fee submitted by Stantec Consulting Services, Inc. has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. P3170 be issued to the firm of Stantec Consulting Services, Inc. of Rochelle Park, New Jersey in the maximum amount of \$400,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.6, based on a 10% allowance for profit and an overhead rate of 136% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8, and Executive Order No. 37 (Corzine).

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101-09

In a memorandum dated April 8, 2009, concerning a recommendation to **Issue Order for Professional Services No. P3208 – Churchill Consulting Engineers** – Engineering Services, 2009 New Jersey Turnpike Authority Bridge Inspection Program, Garden State Parkway, Sign Structure and Culvert Inspections, Parkway Milepost 0 to Milepost 171, Special Projects Reserve Fund No. 04010018, Small Business Enterprise (SBE) Set-Aside.

This Order for Professional Services (OPS) provides for the inspection of the Authority's 96 sign structures and 67 non-NBIS culverts on the Parkway between Mileposts 0 and 171 in accordance with the requirements of the 2009 New Jersey Turnpike Bridge Inspection Program. Also included are on-call special inspection and related design assignments, and submittal of inspection reports.

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 nine 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. Four firms submitted EOIs by the closing date of March 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) Churchill Consulting Engineers, 2) LS Engineering Associates Corp. and 3) KS Engineers, P.C. The fee submitted by Churchill Consulting 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. P3208 be issued to the firm of Churchill Consulting Engineers of Berlin, New Jersey in the maximum amount of \$380,700. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.45, to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected 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).

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102-09

In a memorandum dated April 9, 2009, concerning a recommendation to **Issue Order for Professional Services No. A3215 – Gannett Fleming, Inc.** – Design Services, Condition Assessment and Prioritization of Repair, Authority Maintenance Facilities, 2009 Capital Construction Program and Future Bond Issue.

This Order for Professional Services (OPS) provides for building inspections and condition assessments to prioritize repairs for Authority maintenance facilities. The consultant will prepare a report of their findings and make recommendations for planned implementation, which will include preparation of design documents (including DCA plan approval) for a prototype garage / administration facility and other related work defined in the OPS' Scope of Services.

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 10 engineering firms prequalified and eligible under Profile Codes: A060 – Architecture: New; A061 – Architecture: Renovations; A062 – Building Mechanical Systems; A063 – Building Electrical Systems; A064 – Building Structural Systems; A130 – Communication Systems: Tel/Radio/Microwave/Fiber; and A210 – Building Fire Suppression Systems. Five firms submitted EOIs by the closing date of March 23, 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) Gannett Fleming, Inc. 2) The Louis Berger Group, Inc. and 3) Buchart Horn, Inc. The fee submitted by Gannett Fleming 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. A3215 be issued to the firm of Gannett Fleming, Inc. of South Plainfield, New Jersey in the maximum amount of \$975,000, allocated as follows: 2009 Capital Construction Program - \$890,000 and Future Bond Issue - \$85,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.60, based on a 10% allowance for profit and an overhead rate of 136.4% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8, and Executive Order No. 37 (Corzine).

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103-09

In a memorandum dated April 16, 2009, concerning a recommendation to **Issue Order for Professional Services No. T3217 – Gannett Fleming, Inc.** – Preliminary Engineering and Environmental Services, Turnpike Interchange 14A Improvements, Bayonne and Jersey City, Hudson County, 2009 Capital Construction Program and Future Bond Issue.

This Order for Professional Services (OPS) provides for engineering and environmental services to determine the level of improvements needed at Interchange 14A to address existing operational problems and to accommodate future traffic volumes associated with significant adjacent development projects. The work includes coordination of planned projects by NJDOT and Jersey City on adjacent state and local roads. The services are anticipated to be completed in 18 months, after which an OPS will be issued for the final design of the improvements determined to be appropriate based on the results of this study.

This assignment is classified as a "Complex Project" based on the cost exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 21 engineering firms prequalified and eligible under Profile Codes A250 – Fully Controlled Access Highways; A252 – Complex Interchanges; C190 – Preparation of EIS and EA's; and D491 – Transportation Planning: Alternative Analyses. Five firms submitted EOIs by the closing date of March 5, 2009.

Subsequent to the scoring of EOIs by the Review Committee, three firms were requested to submit Technical and sealed Fee Proposals. The firms are: 1) Gannett Fleming, Inc.; 2) Jacobs Engineering Group, Inc.; and 3) The Louis Berger Group, Inc. The Review Committee reviewed and evaluated each firm's Technical Proposal and the final scoring resulted in Gannett

Fleming, Inc. being the highest technically ranked firm. The fee submitted has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. T3217 be issued to the firm of Gannett Fleming, Inc. of South Plainfield, New Jersey in the maximum amount of \$2,050,000, allocated as follows: 2009 Capital Construction Program - \$600,000 and Future Bond Issue - \$1,450,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.60, based on a 10% allowance for profit and an overhead rate of 136% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8, and Executive Order No. 37 (Corzine).

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104-09

In a memorandum dated April 9, 2009, concerning a recommendation to **Issue Order for Professional Services No. P3230 – Boswell Engineering** – Design Services for Contract No.P200.127, Guide Rail Improvements, Parkway MP 0 to MP 63, 2009 Capital Construction Program and Future Bond Issue.

This Order for Professional Services (OPS) provides for preparation of final design contract documents for guide rail improvements between Milepost 0 and 63 on the Garden State Parkway. The consultant will furnish necessary surveying and engineering design services, in accordance with the Authority's current design standards and the latest requirements of AASHTO, and other related work to enhance safety and operational characteristics of highway features. The construction contract is scheduled to be advertised in December 2009 and is anticipated to be awarded at the February 2010 Commission Meeting.

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 37 engineering firms prequalified and eligible under Profile Code A257 – Roadside Safety Features. Eight firms submitted EOIs by the closing date of March 19, 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) Boswell Engineering, 2) Greenman-Pedersen, Inc. and 3) Arora and Associates, P.C. The fee submitted by Boswell Engineering 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. P3230 be issued to the firm of Boswell Engineering of South Hackensack, New Jersey in the maximum amount of \$525,000, allocated as

follows: 2009 Capital Construction Program - \$450,000 and Future Bond Issue - \$75,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.6, based on a 10% allowance for profit and an overhead rate of 136.4% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8, and Executive Order No. 37 (Corzine).

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105-09

In a memorandum dated April 1, 2009, concerning a recommendation to **Issue Supplement A to Order for Professional Services No. T3036 – Dewberry Inc.** – On-Call Environmental Services, Special Project Reserve Fund No. 04010019.

This Order for Professional Services (OPS) was issued on November 27, 2006 in the amount of \$1,000,000 for a three-year term to furnish professional on-call environmental services including, but not limited to, operation, monitoring and maintenance (OM&M) of remedial groundwater and investigation activities at various facilities. The services also include compliance monitoring in order to satisfy existing New Jersey Department of Environmental Protection (NJDEP) regulations and requirements.

In the interest of accelerating the cleanup of the soil and groundwater contamination at Turnpike Service Areas 6N and 6S, Dewberry has undertaken a pilot study to investigate other options to remediate the site. Based on the results of the pilot study, the Authority has petitioned and is currently awaiting final authorization from the NJDEP to modify the remedial approach. If approved, the new remedial approach will be more proactive in addressing the contamination at the sites and will result in a reduction in the overall cost and duration of remedial activities.

The term of OPS T3036 expires on November 27, 2009. Because of the efforts undertaken by Dewberry to explore alternative remediation techniques, coupled with monies needed to implement aspects of the new remedial approach, a Supplement is necessary for Dewberry to continue providing the OM&M services through November 2009. Dewberry has submitted a proposal in the amount of \$342,000 to provide the required services, which has been reviewed, negotiated and considered reasonable. The Supplement will allow for all services under the OPS to continue until November 27, 2009, after which the Authority should be in a position to fully implement the new remedial approach.

It is, therefore, recommended that OPS No. T3036A be issued to Dewberry Inc. in the amount of \$342,000, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$1,000,000 to \$1,342,000. The original OPS was procured pursuant to N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8.

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106-09

In a memorandum dated April 13, 2009, concerning a recommendation to **Issue Supplement B to Order for Professional Services No. P3046 – PB Americas, Inc.** – Design Services for Contract No. P200.046, Parkway Interchange 63 to Interchange 80 Widening, Milepost 63 to Milepost 70, Ocean County, 2005 Bond Issue Fund No. 20260001.

This Order for Professional Services (OPS) was issued in September 2005 in the amount of \$3,250,000 to provide final design services for the widening of the Garden State Parkway from MP 63 to MP 70. Supplement A, in the amount of \$283,100, provided for the design of interim one-way tolls at the Barnegat Toll Plaza.

Supplement B will compensate PB Americas to perform out-of-scope services related to contract plan revisions needed to incorporate modifications to stormwater management facilities, redesign of highway lighting to meet current standards, architectural design revisions based on DCA and enhanced post design services.

It is, therefore, recommended that OPS No. P3046B be issued to PB Americas Inc. in the amount of \$483,100, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$3,533,100 to \$4,016,200. The original OPS was procured pursuant to N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8.

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107-09

In a memorandum dated April 9, 2009, concerning a recommendation to **Issue Supplement B to Order for Professional Services No. A3088 – Stantec Consulting Services Inc.** – On-Call Engineering Services, 2008A Note Construction Fund No. 30000023.

This Order for Professional Services (OPS) was issued in June 2006 in the amount of \$1,000,000 to provide on-call engineering services. Supplement A, in the amount of \$650,000, provided for two projects: 1) Development of fast-tracked contract documents for Parkway major bridge substructure repairs, and 2) Development of fast-tracked contract documents for Turnpike drainage repairs.

Supplement B will provide for unanticipated additional services requested by the Authority in conjunction with Task D-18. These services include expediting required environmental permits, additional design services beyond the original scope of work, and additional post-design and construction consultation services.

It is, therefore, recommended that OPS No. A3088B be issued to Stantec Consulting Services Inc. in the amount of \$100,000, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$1,650,000 to \$1,750,000. The original OPS was procured pursuant to N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8.

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108-09

In a memorandum dated April 16, 2009, concerning a recommendation to **Issue Supplement No. 2 to Utility Order No. 1211-T – Colonial Pipeline Company** – New Jersey Turnpike Interchange 6 to Interchange 9 Widening Program, Townships of Mansfield, Bordentown and Chesterfield, Burlington County; Townships of Hamilton, Robbinsville and East Windsor, Mercer County; and Township of Cranbury, Middlesex County, 2009 Capital Construction Program and Future Bond Issue.

Utility Order No. 1211-T was required to expedite preliminary engineering services for the utility relocation of existing Colonial Pipeline Company (Colonial) facilities that will be directly impacted by the construction of the New Jersey Turnpike Interchange 6 – 9 Widening Program (Program) between Milepost 48.7 and 72.8 (24.1 miles). While final estimates were being prepared, Colonial was directed to perform up to \$249,000 worth of engineering services so as not to delay the project. Pursuant to the Executive Director’s delegated authority, the Utility Order was executed in an amount of \$249,000. Supplement No. 1 was authorized in the amount of \$1,221,000 for Colonial Pipeline Company to complete their preliminary engineering services.

Now that Colonial has completed a majority of the preliminary design, the approximate location and quantity of relocations required for the Program have been established. As such, it is necessary to execute Supplement No. 2 to Utility Order No. 1211-T, in the amount of \$8,504,000, to complete their final engineering services. The Engineering Department has reviewed the cost proposal, finds it reasonable and approval is recommended.

It is, therefore, recommended that Utility Order No. 1211-T-2 be issued to Colonial Pipeline Company in the amount of \$8,504,000, allocated as follows: 2009 Capital Construction Program - \$5,000,000 and Future Bond Issue - \$3,504,000. The addition of this amount increases the total authorized fee from \$1,470,000 to \$9,974,000.

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109A-09 and 109B-09

Numbered respectively, are the **Contracts for Formal Acceptance and Final Payment:**

<u>CONTRACT NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
<u>Contract T100.095</u>	RML Construction, Inc. Zone Painting Turnpike Structure No. N2.01, Casciano Memorial Newark Bay Bridge Essex and Hudson Counties 2008A Note Construction Fund No. 30000007	\$80,314.39

Contract P100.098

George Harms Construction Co. Inc. \$254,803.22
Emergency Repair Contract
Parkway Structure No. 75.3,
Lacey Road over Garden State Parkway
Ocean County
Special Project Fund No. 04028037

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, in the amounts shown, due the contractors for completion of the above contracts.

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

On motion by Commissioner Singleton, seconded by Commissioner Diaz, the Authority approved the nineteen (19) item engineering agenda; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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Before proceeding, Commissioner DuPont requested the Executive Director to present her remarks regarding the latest activity regarding Authority undertakings.

Executive Director Gutierrez-Scaccetti said that, with regard to the Turnpike Interchange 6 to Interchange 9 Widening, she was happy to report that the New Jersey Department of Environmental Protection environmental permits have been received; the Certificate of Approval has been issued by the Delaware and Raritan Canal Commission; and that item 99-09 on today's agenda is the first contract to be awarded. In addition, for the Parkway Interchange 63 to Interchange 80 Widening Phase I, the final two construction contracts have been awarded today. She praised Authority personnel Rich Raczynski and John Keller specifically for the Turnpike Widening and Lamis Malak for the Parkway Widening.

Continuing, the Executive Director relayed the exceptional success of the New Jersey Turnpike Authority's \$1.75 Bond Issue and announced that the closing of those bonds is today. For that she commended the entire Financial Team and distinguished Authority personnel John O'Hern and Donna Manuelli. She congratulated all of staff and declared that this is an extraordinary day for the Turnpike Authority.

Commissioner DuPont paid tribute to Executive Director Gutierrez-Scaccetti for her leadership and dedication in realizing the recent Authority accomplishments. He said he was proud and happy, adding his compliments and acknowledgement of staff for these achievements. All the Commissioners agreed with his sentiments.

In conclusion, Executive Director Gutierrez-Scaccetti responded to the question of when widening construction will be underway by saying that "shovels will be in the ground in the next 30 days."

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PURCHASING

Purchasing Director Ward identified the procurements as routine and requested approval.

Moved as a group, items 110A-09 through 110M-09 are as follows:

Results of Bidding: Items 110A-09 through 110H-09 are the results in response to public advertisement for the commodities requisitioned by various departments. Bid prices are available in the Purchasing Department. 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:

110A-09

<u>BIDDERS BIDS</u>		<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
6	4	Solar Powered Arrow Board Trailers	Atlas Flasher & Supply Co. Mickleton, NJ	\$ 40,896.00

R-58131; Bids Received: April 15, 2009

Requisitioned by the Maintenance Department, this is for the purchase of up to twelve (12) 2009 Solar-Powered Flashing Arrow Board Trailers which are used as advance traffic warning safety units on the Authority's roadways. Bidders were required to quote the unit price per arrow board trailer.

Recommend award be made to the lowest, responsible bidder, Atlas Flasher & Supply Co., Inc. for nine (9) solar-powered flashing arrow board trailers in an amount not to exceed \$40,896, 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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110B-09

<u>BIDDERS BIDS</u>		<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
12	5	Safety and First Aid Supplies	Durawear Glove & Safety Co. Flemington, NJ	\$ 46,000.00

Requisition Memorandum (RM) 685; Bids Received: April 7, 2009.

Requisitioned by the Inventory Division, this is a one-year Price Agreement for safety and first aid supplies (77 line items, including but not limited to, safety glasses, swabs, first aid creams, gloves and bandages) to replenish stock items in inventory.

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 bidder, Durawear Glove & Safety Co. Inc. The anticipated annual expenditure is not to exceed \$46,000, 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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110C-09

<u>BIDDERS BIDS</u>		<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
10	2	Hydraulic Replacement Parts	Bristol-Donald Co. Inc. Newark, NJ	\$ 37,443.45

RM 690; Bids Received: March 24, 2009

Requisitioned by the Maintenance Department, this is a one-year Price Agreement for Hydraulic Replacement Parts (27 Items, including, but not limited to, switches, cables, drive motors, coils and cylinders). Bidders were required to quote unit prices for every item listed.

Recommend award be made to the lowest responsible bidder, Bristol-Donald Co. Inc., in an amount not exceed \$37,443.45, 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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110D-09

<u>BIDDERS</u>	<u>BIDS</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
22	13	Removal of Trash, Wood, Concrete and Asphalt	Grinnell Recycling Inc. Sparta, NJ	\$110,000.00 (Area A)
			Freehold Cartage Inc. Freehold, NJ	\$110,000.00 (Areas B)
				\$110,000.00 (Area C)

RM 694; Bids Received: April 2, 2009

Requisitioned by the Inventory Division, this is a two-year price agreement for the Removal of Trash, Wood, Concrete and Asphalt on the Garden State Parkway. Bidders were required to quote the transportation cost for pickup and delivery per container as well as recycling, disposal and reuse of debris at each district yard. Bidders were also permitted to quote on any or all of the three Areas: A) Northern; B) Central; and C) Southern. For comparative purposes, awards were to be based on lowest total bid amount per Area.

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

Recommend award be made to the lowest responsible bidders: Grinnell Recycling Inc. for Area A; and Freehold Cartage Inc. for Areas B and C. The total anticipated annual expenditure is not to exceed \$55,000 for each area, per year, subject to funding availability at the time of ordering. The Authority will have the sole discretion of extending the price agreement for an additional one-year term at the same terms and conditions.

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110E-09

<u>BIDDERS</u>	<u>BIDS</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
12	6	Front Load Trash Service	Veolia Es Solid Waste of NJ Totowa, NJ	\$160,000.00 (Area A)
			M & S Waste Services Middletown, NJ	\$240,000.00 (Area B)
			Waste Industries LLC Elizabeth, NJ	\$254,000.00 (Area C)

RM 695; Bids Received: March 31, 2009

Requisitioned by the Inventory Division, this is a two-year price agreement for front load trash service on the Garden State Parkway. Bidders were required to quote per yard prices for disposal of trash and per ton prices for compacted material. Bidders were also permitted to quote on any or all of the three Areas: A) Northern; B) Central; and C) Southern. For comparative purposes, awards were to be based on lowest total bid amount per Area.

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

Recommend award be made to the lowest responsible bidders: Veolia Es Solid Waste of NJ for Area A; M&S Waste Services for Area B; and Waste Industries LLC for Area C. The total anticipated annual expenditure is not to exceed \$80,000 (Area A); \$120,000 (Area B); and \$127,000 (Area C), all 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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110F-09

<u>BIDDERS</u>	<u>BIDS</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
12	5	Welding Shop Metal Supplies	Capital Steel Service LLC Trenton, NJ	\$ 60,000.00

RM 698; Bids Received: April 9, 2009

Requisitioned by the Maintenance Department, this is a one-year Price Agreement for welding shop materials (132 Items, including, but not limited to, flat stocked hot rolled, aluminum flat, stainless steel flat, square tube and angle hot rolled) to be stocked in inventory for use by the Maintenance Departments. Vendors were required to supply a price for every item listed.

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

Recommend award be made to the lowest, responsible bidder, Capital Steel Service LLC. The anticipated annual expenditure will not exceed \$60,000, 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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110G-09

<u>BIDDERS</u>	<u>BIDS</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
7	3	Hydraulic Lift Repairs and Service	S.A.R. Automotive Equipment Specialist Inc. Barrington, NJ	\$120,000.00 (Areas A, B & D)
			Hoffman Services Inc. Newark, NJ	\$ 40,000.00 (Area C)

RM 699; Bids Received: April 15, 2009

Requisitioned by the Maintenance Department, this is a one-year Price Agreement for the Repair and Service of Vehicle Hydraulic Lifts. Bidders were required to quote discounts off of the Manufacturer's List Price on repair parts; per hour labor rate; per hour overtime rate and the annual safety inspection price per lift for comparative purposes. Bidders could quote on four geographic Areas: A) Northern Turnpike; B) Southern Turnpike; C) Northern Parkway and D) Southern Parkway.

Recommend award be made to the lowest responsible bidders: S.A.R. Automotive Equipment Specialist Inc. for Areas A, B and D; and Hoffman Services Inc. for Area C. The total anticipated annual expenditure is not to exceed \$40,000 per area, all 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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110H-09

<u>BIDDERS</u>	<u>BIDS</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
12	5	International OEM Truck Parts	Brown's Hunterdon International Trucks Inc. Bloomsbury, NJ	\$150,000.00 (Area A) \$ 75,000.00 (Area B)
			Del-Val International Trucks Inc. Montgomeryville, PA	\$ 75,000.00 (Area C)

RM 700; Bids Received: April 14, 2009

Requisitioned by the Maintenance Department, this is a one-year price agreement for the supply of International original equipment manufacturer (OEM) truck parts (including, but not limited to, thermostats, transmitters, tail pipes, mufflers, washers and sensors). Bidders were required to quote unit prices for 45 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) Turnpike Northern Division; B) Turnpike Central Maintenance Facility; and C) Parkway Whitehorse Maintenance Yard, provided they have a facility within 75 miles of the Maintenance Districts. Awards were to be based on lowest total bid amount per Area.

Recommend award be made to the lowest responsible bidders: Brown's Hunterdon Int'l Trucks Inc. for Area A and B; and Del-Val Int'l Trucks Inc. for Area C. The total anticipated annual expenditure is not to exceed \$300,000, as shown per area, all 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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110I-09

In a memorandum dated April 22, 2009, concerning the recommendation to **Award a Sole Source Contract – Activu Corporation** – Video Wall, Located at the Authority's Statewide Traffic Management Center (STMC), Annual Maintenance Agreement, RM 723.

The Technology and Administrative Services Department requisitioned a four (4)-year contract for the annual maintenance, service and repairs of the video wall at the Statewide Traffic Management Center (STMC). The items to be covered by this contract include, but are not limited to, computers, software and actual video screens ("Video Wall Equipment") in the display

rooms at the STMC. This Video Wall Equipment provides vital traffic information to Authority, New Jersey Department of Transportation, and State Police personnel. Support services will include scheduled onsite preventive maintenance visits, unscheduled/emergency onsite visits, software upgrades, training and re-lamping of the video wall cubes.

Mitsubishi Digital Electronics America, Inc. ("Mitsubishi"), the manufacturer of the Video Wall Equipment trained and authorized Activu Corporation's technical staff as the sole provider to maintain and repair the Video Wall Equipment. In addition, the manufacturer's warranty would be voided if any unauthorized personnel were to service the Video Wall Equipment. Moreover, the software used in the Video Wall Equipment is proprietary to Activu Corporation. Thus, this vendor is the only one which has access to the source codes needed to upgrade and support the Video Wall Equipment software. This is an exceptional circumstance because the Authority relies on the Video Wall Equipment to communicate traffic information among the public entities at the STMC. Activu Corporation submitted a proposal to the Authority for the referenced services and parts for a four (4)-year term for \$272,000. The Authority will benefit from a multiyear contract with firm prices during the four years. Thus, it is recommended that this purchase be procured without public advertisement as a sole source exception to the public bidding laws and consistent with Executive Order No. 37 as no other vendor is capable of providing these services.

Accordingly, authorization is requested to contract with Activu Corporation, Arlington, VA for the referenced services in an amount not to exceed \$272,000. The award will be made under the sole source procurement authorization of N.J.A.C. 19:9-2.2(d)1 as promulgated under N.J.S.A. 27:23-6.1 and Executive Order No. 37. The award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the vendor pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 and having no objection to the same.

A resolution, as required by N.J.A.C. 19:9-2.2(d)1, follows as **Resolution 110I-09**:

RESOLUTION FOR SOLE SOURCE PROCUREMENT
VIDEO WALL AT THE STATEWIDE TRAFFIC MANAGEMENT CENTER
ANNUAL MAINTENANCE AGREEMENT

WHEREAS, the Technology and Administrative Services Department requested a four (4)-year contract with Activu Corporation, Arlington, VA for the annual maintenance and repair services for the display video wall at the Statewide Traffic Management Center ("STMC"); and

WHEREAS, the display video wall provides vital traffic information to the Authority, NJDOT and State Police personnel; and

WHEREAS, the items covered under the contract will include computers, software and the actual video screens ("Video Wall Equipment") located in the Main and the Situation Rooms at the STMC; and

WHEREAS, the support and maintenance services include: scheduled onsite preventive maintenance visits, emergency onsite visits, software upgrades, training and re-lamping of the video wall cubes; and

WHEREAS, Mitsubishi Digital Electronics America, Inc., the manufacturer of the Video Wall Equipment trained and authorized Activu Corporation's personnel as the provider for maintenance and repairs of the Video Wall Equipment; and

WHEREAS, the software used in the Video Wall Equipment is proprietary to Activu Corporation, thus, this vendor is the only one capable of upgrading and debugging the software; and

WHEREAS, Activu Corporation submitted a price proposal to the TAS Department for the 4-year maintenance agreement, a fixed amount, not to exceed, \$272,000; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the Authority's Commissioners hereby authorize and approve a contract to Activu Corporation for the maintenance services outlined herein, in an amount not to exceed \$272,000 as a sole source exception to procurement by public advertisement as permitted by N.J.A.C. 19:9-2.2(d)1 and N.J.S.A. 27:23-6.1.

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110J-09

In a memorandum dated April 9, 2009, concerning the recommendation to **Ratify Award of a Sole Source Contract – Oracle Corporation** – Extended Oracle Support for Peoplesoft Products, R-58041, Budget Code: 00-010-833-427010.

At the January 28, 2009 meeting, (Agenda Item 19H-09) the Authority awarded the renewal of two Software License and Service Agreements with Oracle Corporation ("Software Agreements"). Under the Software Agreements, Oracle Corporation provides technical support and software upgrades to the Authority's database management systems and electronic toll collection. The Software Agreement includes subscription and support services, plus 24/7 telephone support, product upgrades and maintenance releases for the period January 1, 2009 through December 31, 2009. Extended support is required to cover versions of Oracle's PeopleSoft Enterprise Resource Planning (ERP) System. The ERP System supports the financial and human resources activities of the Authority that are no longer covered by Oracle's Standard Support packages.

Oracle software support for Peoplesoft products is proprietary to Oracle Corporation, which is the publisher and holder of all copyrights. Oracle Corporation is the only vendor which has access to the source codes needed to debug, upgrade and support the Oracle Software. Thus, no other vendor is capable of providing the services required under the Software Agreement. In addition, this is an exceptional circumstance, as the financial and human resources activities are only covered by Oracle's extended support programs.

Accordingly, authorization is requested to enter into an agreement for Extended Oracle Support of Peoplesoft products with Oracle Corporation, Redwood Shores, CA in an amount not to exceed \$38,198.14. The award was made under the sole source procurement authorization of N.J.A.C. 19:9-2.2(d)1 as promulgated under N.J.S.A. 27:23-6.1. The award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 and having no objection to the same. A resolution, as required by N.J.A.C. 19:9-2.2(d)1, follows as

Resolution 110J-09:

RESOLUTION FOR SOLE SOURCE PROCUREMENT
EXTENDED ORACLE SUPPORT FOR PEOPLESOFT PRODUCTS
WITH ORACLE CORPORATION

WHEREAS, the Technology and Administrative Services Department requested the award of an Extended Oracle Support contract with Oracle Corporation, Redwood Shores, California to support the Authority's Peoplesoft products; and

WHEREAS, under the Extended Oracle Support contract, the Oracle Corporation will provide technical support and software upgrades, including PeopleSoft requirements, for the Financial and Human Resources activities of the Authority, that are no longer covered by Oracle's Standard Support packages; and

WHEREAS, Oracle Software and Support is copyrighted and proprietary in nature, and therefore, of a unique and confidential nature that will not admit a generic or standard specifications for procurement through competitive solicitation by public advertisement; and

WHEREAS, Extended Oracle Support for Peoplesoft products can only be procured from Oracle Corporation through direct negotiation and, the cost of this support will not exceed \$38,198.14; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the Authority's Commissioners hereby authorize and approve award of a contract for Extended Oracle Support with Oracle Corporation for the period January 1, 2009 through December 31, 2009, in an amount not to exceed \$38,198.14, as a sole source exception to procurement by public advertisement permitted by N.J.A.C. 19:9-2.2(d)1 promulgated under the Authority's enabling legislation, N.J.S.A. 27:23-6.1.

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110K-09

In a memorandum dated April 22, 2009, concerning the recommendation to **Award a Sole Source Contract – Hansen Information Technologies (“Hansen”) – Software Modifications, Annual Support and Maintenance to the Computerized Maintenance Management System, R-58088, 58154, Budget Code 010-00-833-427010.**

At the October 25, 2005 Commission Meeting the Authority awarded a contract to Hansen (formerly Spear Technologies, Inc.) to install a computerized maintenance management (CMM System). This software system is used to manage work force, monitor maintenance assets and to identify overall performance statistics for the Maintenance and other operational departments. The CMM System has been in use since 2005. The Technology and Administrative Services Department is requesting modifications to the CMM System, including, but not limited to, revisions to the daily worksheets, vehicle fleet work order, snow employee labor reports, gas-boy interfaces and material service requests. In addition, annual software support and maintenance is required to provide enhancements, corrections and upgrades to the CMM System as they become available.

The CMM System software licenses, professional services and the associated support services are registered, trademarked and copyrighted by Hansen. This is the only vendor which has access to the source codes needed to debug, upgrade and support the CMM System software. No other vendor is capable of providing the modifications required herein. In addition, this is an exceptional circumstance because the Authority relies solely on the CMM System to

provide certain maintenance management functions. Hansen submitted price proposals for the referenced modifications and annual support and maintenance services for \$98,261.05.

Accordingly, authorization is requested to enter into a contract with Hansen Information Technologies, Chicago, IL for services outlined herein, in an amount not to exceed \$98,261.05 (\$32,150 for the modifications and \$66,111.05 for the support and maintenance to the CMM System.) The award was made under the sole source procurement authorization of N.J.A.C. 19:9-2.2(d)1 as promulgated under N.J.A.C. 27:23-6.1 and Executive Order No. 37. The award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 and having no objection to the same. A resolution, as required by N.J.A.C. 19:9-2.2(d)1, follows as **Resolution 110K-09**:

RESOLUTION FOR SOLE SOURCE PROCUREMENT
SOFTWARE MODIFICATIONS AND ANNUAL SUPPORT AND MAINTENANCE
COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM

WHEREAS, the Technology and Administrative Services ("TAS") Department requisitioned software modifications and the annual support and maintenance services to the Authority's Computerized Maintenance Management System (CMM System); and

WHEREAS, at the October 25, 2005 Commission Meeting the Authority awarded a contract to Hansen (formerly Spear Technologies, Inc.) to install a computerized maintenance management ("CMM System") and

WHEREAS, the CMM System software is used to manage work force, monitor maintenance assets and to identify overall performance statistics for the maintenance and other operational departments ; and

WHEREAS, TAS Department requests modifications to the CMM System, including, but not limited to, revisions to the daily worksheets, vehicle fleet work order, snow employee labor reports, gas-boy interfaces and material service requests; and

WHEREAS, the TAS Department also requests Hansen provide the annual support and maintenance services to resolve software issues and to provide the Authority with enhancements, corrections and upgrades as they become available; and

WHEREAS, the CMM System software licenses, professional services and the associated support services are registered, trademarked and copyrighted by Hansen and consequently it is the only vendor which has access to the source codes needed to debug, upgrade and support the CMM System; and

WHEREAS, software services to the CMM System can only be procured from Hansen Information Technologies and only through direct negotiations; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the Authority's Commissioners hereby authorize and approve award of a contract for software modifications and the annual support and maintenance services to the Computerized Maintenance Management System in an amount not to exceed \$98,261.05, as a sole source exception to procurement by public advertisement permitted by N.J.A.C. 19:9-2.2(d)1 promulgated under the Authority's enabling legislation, N.J.S.A. 27:23-6.1.

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110L-09

In a memorandum dated April 22, 2009, concerning the recommendation to **Award**

Negotiated Contracts – Snap-On Industrial; and Equipment Services d/b/a Snap-On

Equipment – Repair of Snap-On Auto Shop Equipment, RM 556

The Maintenance Department requisitioned a one-year service agreement for the repairs of Snap-On auto shop equipment, including but not limited to transmission fluid changer, fuel care system, tire balancer, air conditioner machine, diagnostic scanner and battery charger. 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. Bidders were required to quote per hour labor rate for repairs of nine items of Snap-on brand tools and a discount off the Manufacturer's List Price for materials. The annual anticipated expenditure for this contract is \$70,000. Requests for bids were advertised on two occasions in July and August of 2008, respectively. No bids were received for either solicitation.

N.J.S.A. 27:23-6.1(a) provides "Any purchase, contract agreement may be made, negotiated or awarded by the Authority without public bid or advertisement when the Authority has advertised for bids on two occasions and has received no bids on both occasions ..." Thus, given that no bids were received, Purchasing staff sought for vendors who could provide the referenced repair services. Staff found that repairs could be performed only by authorized Snap-on distributors and those vendors were usually out-of state. After much effort, staff contacted two vendors which were willing to contract with the Authority, namely, Snap-On Industrial and Snap-On Equipment. Neither of them, however, was able to repair all of the nine kinds of equipment and the two vendors negotiated different rate structures. Snap-on Industrial proposed flat rates for two kinds of equipment: \$241 for the battery charger and \$447 for the diagnostic scanner. Snap-On Equipment proposed a \$99 per hour labor rate, with no discount for materials on seven of the nine kinds of equipment. The Maintenance Department reviewed both proposals and recommend that awards be made to the two vendors as negotiated.

Accordingly, authorization is requested to award one-year agreements for repair services outlined herein, to Snap-On Industrial, Crystal Lake, IL in an amount not to exceed \$35,000, and to Equipment Services d/b/a Snap-On Equipment, Conway, AR in an amount not to exceed \$35,000, subject to availability of funding at the time for services.

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110M-09

In a memorandum dated April 22, 2009, concerning the recommendation to **Reject All Bids and Re-bid Contract** – Installation of Air Handler Frequency Drives, R-56864

The Maintenance Department requisitioned the purchase and installation of air handler frequency drives and associated equipment for the Statewide Traffic Management Center. Bids for these items were solicited in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order No. 37. In addition, this contract was designated as a Small Business Set-Aside Contract in accordance with N.J.S.A. 52:32 and N.J.A.C. 17:3. The contract was publicly advertised and requests for bids were sent to 11 vendors. The bid opening took place on April 7, 2009. Two bid proposals were received from Air Systems Maintenance, Inc. of Kenilworth, NJ and WHL Enterprises, T/A Bill Leary AC & Heating of Metuchen, NJ ("Bill Leary").

The Purchasing Department reviewed the two proposals and found that neither bidder was a registered Small Business Enterprise (“SBE”) as required. The specifications state under the heading “Small Business Set-Aside Contract for Goods and Services” (Page 12), that “Request for bid proposals shall be confined to businesses registered ... as SBE’s in either Category 1, 2 or 3. Bid proposals from businesses not designated as SBE’s will be rejected.” (Emphasis added.) Air Systems indicated that it was not an SBE. Bill Leary provided proof that it was a Category 5 SBE, not a Category 1, 2 or 3 as required for solicitation of goods and services. In addition, Bill Leary submitted a SBE Category 2 registration of another vendor, which may be used as a subcontractor. The SBE designation has to apply to the vendor submitting the bid proposal. Thus, both of Bill Leary’s submissions are unacceptable with respect to the SBE set-aside program. We recommend that the bid proposals from Air Systems and Bill Leary be rejected.

Given that our efforts to solicit small businesses were unsuccessful for this contract, we recommend that the contract be re-bid with revised specifications deleting the SBE set-aside designation.

Accordingly, authorization is requested to reject the bid proposals submitted by Air Systems Maintenance, Inc. and WHL Enterprises, T/A Bill Leary AC & Heating for the referenced contract and to re-advertise the contract as outlined herein.

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 Pocino, the Authority approved the thirteen (13) item Purchasing agenda; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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GENERAL BUSINESS

111-09

Finance Director Hayllar presented the financial results of the New Jersey Turnpike Authority for the Three Months ended March 31, 2009.

On motion by Commissioner Pocino, seconded by Commissioner Singleton, the Authority’s **Financial Summary** was unanimously accepted and received for file.

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112-09

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 4/13/09, together with 2008 – 2009 Yearly Comparisons for the three months through March 2009. Director Hill advised that there is a typing error in the Parkway 2008 comparison numbers which will be corrected; however, it has no effect on the 2009 report.

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

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113-09

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

At this time, Commissioner Singleton said he wished to commend the men and women of the State Police for their handling of a terrible motor vehicle accident that recently occurred on the Turnpike. He said that the traffic congestion resulting from the incident became a tense situation. As he was stuck in the traffic tie-up himself, he wanted to personally thank the State Police for their management of the situation.

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Upon conclusion of the agenda, Commissioner DuPont opened the floor to public comment on other matters. There was no response.

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The motion to adjourn was made by DOT Designee Diring, seconded by Commissioner Singleton and, after the voice vote, the motion was duly adopted. The Authority adjourned at 9:53 A.M., to meet on Wednesday, May 27, 2009, at 9:30 A.M.

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The Secretary acknowledges receipt of the following documents for file:

ADDITIONAL REPORTS:

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

Utility Orders – (two) under EDDA 117-05; dated April 28, 2009.

Contract Change Order Summary; for Type 1 and Type 2 – Period March 13, 2009 through April 8, 2009, dated April 28, 2009.

Construction Progress – Period Ending April 9, 2009; dated April 28, 2009.

AGREEMENTS/CONTRACTS:

Agreement: Ground Lease Agreement, dated 6/16/08 – New York AM Radio LLC (WEPN 1050 kHz), Disney Core, ABC Inc. – Turnpike Property Lease Area, Block 451, Lot 12.021, North Bergen and Secaucus, Hudson County; authorized 7/23/07.

Memorandum of Agreement; Escrow Agreement; and Mechanism Agreement: executed December 2008 – New Jersey Pinelands Commission – to Obviate Secondary Impacts, Parkway Interchange 30 to Interchange 80 Widening; authorized 10/31/08.

Memorandum of Agreement, dated 7/1/08 – South Jersey Transportation Authority – Employee Participation in the New Jersey Turnpike Authority Health Plan for Medical, Prescription, Dental and Vision Plans; authorized 7/22/08.

Agreement – Tuckahoe Sand & Gravel Inc. – Contract LS-12-08, Snow Plowing Services, dated 3/10/08; authorized 7/22/08.

Agreement – Mathis Construction Co. Inc. – Contracts LS-06-08, LS-07-08, LS-08-08, Snow Plowing Services, dated 3/10/08; authorized 7/22/08.

Agreement – Stavola Contracting Co. Inc. – Contracts SPC-05-08, LC-08-08, Snow Plowing Services, dated 3/10/08; authorized 7/22/08.

Agreement – The Walter R. Earle Corporation – Contract SPC-11-08, Snow Plowing Services, dated 3/10/08; authorized 10/03/08.

Agreement – Silvi of Englishtown Inc. – Contracts SPD-02-08, SPF-01-08, SPE-01-08, SPE-02-08, SPC-02-08, Snow Plowing Services, dated 3/10/08; authorized 10/03/08.

Agreement – Richard E. Pierson Construction Co. Inc. – SSC-02-08, Snow Plowing Services, dated 3/10/08; authorized 10/03/08.

Contract No. P100.078 – Kyle Conti Construction LLC; authorized 1/28/09.

Contract No. T100.089 – Joseph M. Sanzari Inc.; authorized 12/09/08.

Contract No. P100.090 – Kyle Conti Construction LLC; authorized 1/28/09.

ORDER FOR PROFESSIONAL SERVICES and/or PROFESSIONAL SERVICES AGREEMENTS

Professional Services Agreement – NW Financial Group LLC – General Financial Advisory Services; authorized 1/28/09.

Professional Services Agreement (PA 1073) – Energy Solve LLC (EnergySolve) – Energy Management and Accounting Services; authorized 12/09/08.

Professional Services Agreement, dated 1/05/09 – DeCotiis Fitzpatrick Cole & Wisler LLP – General Counsel; authorized 10/31/08.

Professional Services Agreement, dated 12/31/08 – McElroy Deutsch Mulvaney & Carpenter LLP – General Counsel Conflicts; Special Counsel: Real Estate; and Employment Litigation/EEOC; authorized 10/31/08.

Professional Services Agreement, dated 1/07/09 – Berman Sauter Record & Jardim – Special Counsel: Collections Conflicts; authorized 10/31/08.

Professional Services Agreement, dated 2/26/09 – Buttafuoco Arce & Price LLC – Special Counsel: Workers Compensation; authorized 10/31/08.

Professional Services Agreement, dated 1/05/09 – Genova Burns & Vernoia – Special Counsel: Labor Relations Including Union Negotiations; authorized 10/31/08.

Professional Services Agreement, dated 1/05/09 – Hoagland Longo Moran Dunst & Doukas LLC – Special Counsel: Workers Compensation; authorized 10/31/08.

Professional Services Agreement, dated 1/09/09 – Jacobs Rosenberg LLC – Special Counsel: Employment Litigation/EEOC; authorized 10/31/08.

Professional Services Agreement, dated 1/06/09 – Kamensky Cohen and Associates – Special Counsel: Workers Compensation; authorized 10/31/08.

Professional Services Agreement, dated 1/09/09 – Morgan Melhuish Abrutyn – Special Counsel: State Police Misconduct; authorized 10/31/08.

Professional Services Agreement, dated 2/26/09 – Riker Danzig Scherer Hyland and Perretti LLP – Special Counsel: General Litigation Conflicts; and Real Estate Conflicts; authorized 10/31/08.

Professional Services Agreement, dated 1/05/09 – Schachter Portnoy LLC – Special Counsel: Collections; authorized 10/31/08.

Professional Services Agreement, dated 1/09/09 – Sedita Campisano & Campisano – Special Counsel: Collections; and Labor Relations Conflicts Including Union Negotiations; authorized 10/31/08.

Professional Services Agreement, dated 1/09/09 – Wilentz Goldman & Spitzer PA – Special Counsel: General Litigation; Bond/Tax; Intellectual Property/Software/Trademark/Copyright; and State Police Misconduct Conflicts; authorized 10/31/08.

OPS No. P3126 – STV Incorporated – Supervision of Construction; authorized 1/28/09.

OPS No. P3188 – Dewberry-Goodkind Inc. – Design; authorized 1/28/09.

OPS No. P3187 – TransSystems Corporation – Design; authorized 1/28/09.

OPS No. T3192 – Stone & Webster Inc. – Supervision of Construction; authorized 12/09/08.

OPS No. P3193 – Gannett Fleming Inc. – Supervision of Construction; authorized 1/28/09.

OPS No. P3196 – Greenman-Pedersen Inc. – Supervision of Construction; authorized 12/09/08.

OPS No. T3198 – Jacobs Engineering Group – Supervision of Construction; authorized 1/28/09.

Supplemental OPS No. 2009B – URS Corporation – Design; authorized 10/3/08.

Supplemental OPS No. 2066B – Weidlinger Associates Inc. – Design; authorized 1/28/09.

Supplemental OPS No. A3053H – HNTB Corporation – Design; delegated authority 10/31/08; ratified 12/09/08.

Supplemental OPS No. A3053I – HNTB Corporation – Design; delegated authority 10/31/08; ratified 12/09/08.

Supplemental OPS No. P3054A – Boswell Engineering – Design; delegated authority 10/31/08; ratified 12/09/08.

Supplemental OPS No. A3083B – Hill International – Supervision of Construction; authorized 1/28/09.

Supplemental OPS No. A3096A – Michael Baker Jr. Inc. – On-Call Transportation Planning; authorized 10/03/08.

Supplemental OPS No. T3102A – HNTB Corporation – Program Manager; authorized 12/09/08.

Supplemental OPS No. A3142A – CMX – Water and Wastewater Treatment Facilities; authorized 12/09/08.

Supplemental OPS No. A3150A – Hatch Mott MacDonald – Underground Storage Tank System Facilities; authorized 12/09/08.

Supplemental OPS No. P3151A – CMX – Design; authorized 12/09/08.

Supplemental OPS No. T3152A – Dewberry-Goodkind Inc. – Design; authorized 12/09/08.

UTILITY ORDERS

Utility Order NJFON-Adesta-16 – Adesta LLC – Inter-Connect of Fiber Optic Strands: New Jersey Office of Information Technology (NJOIT), NJ Department of Transportation (NJDOT), NJ State Police (NJSP); authorized 12/09/08.

Rose Stanko
Secretary

APPROVED:

Stephen Dilts, Chairman and NJ Department of Transportation Commissioner (ABSENT)

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

NJ Department of Transportation Commissioner Designee, ex officio