

**CERTIFICATION
OF
NEW JERSEY TURNPIKE AUTHORITY**

I, John M. Keller, hereby certify that I am the Executive Director of the New Jersey Turnpike Authority and as such, certify that the attached copy of PROCEEDINGS OF THE NEW JERSEY TURNPIKE AUTHORITY is a true and correct copy of the Minutes of the July 26, 2022 Meeting of the Authority.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the official seal of the New Jersey Turnpike Authority this 27th day of July, 2022.

ATTEST:



Kim Schurman
Secretary to the Authority



John M. Keller
Executive Director

Corporate Seal

Date: July 27, 2022

Received in the Governor's Office July 27, 2022

Received by:

Print Name

Signature

Veto Period Ends:

August 10, 2022
(Write in the date the veto period ends)



State of New Jersey

OFFICE OF THE GOVERNOR
P.O. Box 001
TRENTON, NJ 08625-0001

PHILIP D. MURPHY
GOVERNOR

NOREEN M. GIBLIN, ESQ.
DEPUTY CHIEF COUNSEL

TO: Kim Schurman Schurman@njta.com
FROM: Kelley Trimble, Authorities Unit, Office of the Governor
DATE: July 28, 2022
RE: **New Jersey Turnpike Authority Minutes**

This email is confirmation that the Authorities Unit received the minutes from the July 26, 2022 board meeting on July 27, 2022. The calculated veto date is August 10, 2022.

Thank you.

Attachment

cc: Jeffry Nielsen

**PROCEEDINGS OF MEETING OF NEW JERSEY TURNPIKE AUTHORITY
BOARD OF COMMISSIONERS**

Tuesday, July 26, 2022

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Chair Gutierrez-Scaccetti called the meeting of the Authority's Board of Commissioners (the Board) into session in the Executive Boardroom of the Authority's Headquarters Building at 1 Turnpike Plaza in Woodbridge, New Jersey, at 9:00 A.M.

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Pledge of Allegiance

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PRESENT

Present were Chair Gutierrez-Scaccetti, Vice Chair Ulises Diaz (by tele-conference), Treasurer Michael DuPont (by teleconference), Commissioner Ronald Gravino (by tele-conference), Commissioner John Minella and Commissioner Raphael Salermo. The meeting commenced at 9:00 a.m.

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ALSO PRESENT

Executive Director John Keller, Deputy Executive Director James Carone, Chief Financial Officer Donna Manuelli; Acting Chief Engineer Michael Garofalo, Chief Information Officer Jose Dios; Acting Director of Law Ann Christine Monica; Director of Human Resources Mary Elizabeth Garrity; Director of Internal Audit Donna Wilser, Director of Operations Kevin Dunn; Deputy Director of Procurement and Materials Management Janet Rzepka, Director of Tolls John Pagliarulo; Director of Community and Government Relations Shawn Taylor; New Jersey State Police Major Sheila McKaig-Devlin, State Police Troop D; and Secretary to the Authority Kim Schurman and NJ Advanced Media (by teleconference).

Also present were: Outside Counsel, Judy Verrone, Esq., of DeCotiis, FitzPatrick, Cole & Gibling, LLP, Governors' Authorities Unit Representative, Jeffry Nielsen and Deputy DOT Commissioner Joseph Bertoni (by tele-conference). NJ Advanced Media was also present.

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NOTICE OF MEETING

This is a regular meeting of the New Jersey Turnpike Authority. Adequate notice of this meeting has been provided in accordance with Chapter 231, P.L. 1975 in that notice has been given to The Star Ledger and the Asbury Park Press, as well as numerous other newspapers, posted in the main lobby of the Authority's Administration Offices at 1 Turnpike Plaza, Woodbridge, prominently posted on the New Jersey Turnpike Authority's website at www.njta.com and on various social media platforms, including Facebook and Twitter, and notice has been forwarded to the Secretary of State, Trenton, New Jersey. Additionally, Authority public meetings will be held in-person and telephonically commencing with the April 26, 2022 Board Meeting. Information and instructions regarding telephonic access to the meetings by the public has been posted on the Authority's website.

Secretary to the Authority Schurman takes Roll Call and the Following Were Present:

1. Vice Chair Diaz (by tele-conference)
2. Treasurer DuPont (by tele-conference)
3. Commissioner Gravino (by tele-conference)
4. Commissioner Minella
5. Commissioner Salerno
6. Chair Gutierrez-Scaccetti

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EXECUTIVE SESSION

- Chair Gutierrez-Scaccetti advised there will not be an executive session at today's meeting.

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ACTION ON MINUTES

The Secretary to the Authority reported that ten days, excluding Saturdays, Sundays and holidays, have elapsed since Governor Philip D. Murphy received the proceedings of the regular meeting of June 28, 2022; he did not exercise his power to veto any items in those minutes.

Upon motion made by Commissioner Minella seconded by Treasurer DuPont the minutes of the meeting was unanimously approved.

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RECUSALS

The Secretary to the Authority reported recusals or abstentions submitted for the record:

Vice Chair Diaz is recused on Agenda Item 143 (Maverick Building Services)
Vice Chair Diaz is recused on Agenda Item 150-07-2022 ((with respect to contracts awarded to Genova Burns)

Commissioner Gravino is recused on Agenda Item 150-07-2022 (with respect to contracts awarded to Genova Burns)

Commissioner Salerno is recused on Agenda item 150-07-2022 (with respect to contracts awarded to DeCotiis, Fitzpatrick, Cole and Giblin)

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PUBLIC COMMENT (in Person)

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Murray Bodin

Mr. Bodin brought a 1988 Edition of the Manual of Uniform Traffic Control Devices with him to the meeting. Mr. Bodin said the world has changed and evolved and he said there should always be a yellow line on the left edge. Mr. Bodin stated the white split at entrances and exits was designed 50 to 80 years ago. Mr. Bodin said the manual requires a reflective vest anyone on a public right of way. Mr. Bodin says this is a safety issue and you should require the New Jersey State Police to wear them.

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John Reichman, Empower New Jersey

Mr. Reichman said that the earth is burning up because of green house gases. Mr. Reichman said adding lanes to the Turnpike in Jersey City will mean more cars, trucks and vehicle miles traveled resulting in more gasoline being burned. Mr. Reichman asked that the Authority perform a traffic study

and make it public. Mr. Reichman asked the Authority to evaluate if this is the best use of money. Mr. Reichman noted the Turnpike Authority denied the petition in which they sought common sense rules and regulations for highway expansion including doing a cost benefit analysis. Mr. Reichman asked the Authority to sit down and talk with them.

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PUBLIC COMMENT (remote by tele-conference)

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Holly Cox, Montville NJ

Ms. Cox is disappointed the Authority denied the Empower NJ Petition to halt the highway expansion. Ms. Cox said a highway expansion will create induced demand and will harm people of color in urban areas and minority communities. Ms. Cox said the cost will be better spent on public transportation, and this highway expansion should not be done without doing a climate test to show the project will not cause increased emissions.

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Jeanne Fox, Former NJ BPU President, Former DEP Deputy Commissioner, Professor

Ms. Fox said widening the extension will cause serious environmental harm. Ms. Fox also said the widening will not help decrease the bottleneck at the Holland Tunnel and widening roads leads to more vehicles and more congestion. Ms. Fox recommends a transportation congestion study as well as using these funds to improve the Gateway Project. Ms. Fox concurs with the plan of fixing the bridge, but not widening the Turnpike.

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Sam Pesin, Jersey City Resident

Mr. Pesin opposes the Turnpike expansion project. Mr. Pesin requests the Authority do a traffic study. Mr. Pesin urges the Authority to reverse course and abandon this project.

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Tim Sevenser, Transit Village of Mount Tabor

Mr. Sevenser pointed out that mass transit is the answer. Mr. Sevenser said we need to restore the trains that we have. Mr. Sevenser suggests the Essex Hudson Greenway that will restore a way to get to Jersey City from Montclair. Mr. Sevenser opposes expanding the highway.

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Chris Adair, Bike Hoboken

Ms. Adair opposes the Turnpike expansion project. Ms. Adair added highway expansion increases greenhouse gases. Ms. Adair said the Authority is not in compliance with Governor Murphy's Executive order to reduce greenhouse gas by 2030. Ms. Adair suggests the Authority use the \$4.7 billion dollars towards better public transportation. Ms. Adair suggests the Authority explain why the petition was denied.

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Walter Clark

Mr. Clark is in favor of the Empower New Jersey petition. Mr. Clark said the money can be spent in better ways. Mr. Clark said the Turnpike Authority is in a position to change the future and affect climate change.

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Yousef Saleh, Jersey City Councilman, Ward D

Mr. Saleh is voicing his opposition to the expansion of the Turnpike. Mr. Saleh said this will create a lot of emissions by cars that are idling. Mr. Saleh said there are more innovative projects the Authority can do. Mr. Saleh said the Authority should fix the roads, but expansion should be off the table.

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Lily Zane, Hoboken Resident

Ms. Zane is speaking out loudly and clearly against the Turnpike expansion. Ms. Zane supports bike lanes, light rail and electric train line expansion. Ms. Zane added widening will increase traffic and will not alleviate it. Ms. Zane asked how will this project meet Governor Murphy's commitment to cut greenhouse gases by 2050? Ms. Zane added we are in a climate crisis. Ms. Zane said in the name of climate and environmental justice "Stop the build".

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Tina Weishaus, Divest NJ

Ms. Whitehouse supports the Empower NJ Petition for a halt to this project, because it fails to address the issue of climate, traffic, environmental justice, induced demand and the impact on Jersey City. Ms. Whitehouse feels it is incumbent on the Authority to explain its position how you can proceed on this project without a climate study or a traffic study.

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Jill Aquino, Environmental Health Nurse

Ms. Aquino said transportation pollution is an environmental health and equity issue that burdens New Jersey's most vulnerable residents. Ms. Aquino is deeply opposed to the expansion of the Turnpike through the heart of Jersey City as well as other expansion plans. Ms. Aquino said we should stop this project that will further overburden the Jersey City community by heightening the fossil fuel pollution. Ms. Aquino requests the Authority provide a long term traffic study available for public review.

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Mira Prinz-Arey, Councilwoman Jersey City

Ms. Prinz-Arey is opposed to the Turnpike expansion. Ms. Prinz-Arey suggests the Authority do an impact study on the expansion and share it with the public and explain why you feel this is a better option, when there are so many other options to be researched and implemented to make this region a much healthier region.

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Sally Jane Gellert, Woodcliff Lake, NJ

Ms. Gellert expressed concern as to why the Empower NJ was rejected without explanation. Ms. Gellert said the Authority needs a long time traffic study, adding Hudson county has some of the worst air in the country. Ms. Gellert said we need more public transportation, bikeways, walkways and rails. Ms. Gellert said to use the money for 21st century solutions that will improve our quality of life, air and environment.

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Karen Cannon-Carrerra, Co-Chair Community Action Committee

Ms. Cannon-Carrerra, opposes the highway expansion and supports the Empower NJ petition. Ms. Cannon-Carrerra said this expansion is the opposite of what is needed to create a healthy environment. Ms. Cannon-Carrerra said this project has catastrophic impacts on vulnerable communities. Ms. Cannon Carrerra suggests using the funds to improve our state and community by creating public transportation, walkways, bikeways and safe streets.

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Steve Carrellas, Director of Government and Public Affairs, National Motorists Assoc.

Mr. Carrellas commented on the Agenda Item in the matter of DiFalco v. Trooper Gelfand, et al, and the Westfield Board of Education, which is a case of an off duty Trooper involved in tragic vehicle crash that killed a young student. Mr. Carrellas noted the trooper was clearly not on Authority business. Mr. Carerellas said it does not make sense that the Authority settles, since it sets a precedent and I hope the Commissioner's have all the information necessary.

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Jimmy Lee, President, Safe Streets Jersey City

Mr. Lee and local community groups supported the legal petition for Empower NJ. Mr. Lee said no real information was given for denying the petition. Mr. Lee added the proposed project is a lose lose for Hudson County and Jersey City. Mr. Lee said every local resident or neighborhood group viscerally opposes this project for so many reasons, including local congestion, increased traffic, safety issues, toxic air and school children attending schools in the area. Mr. Lee added they prefer investments in mass transit. Mr. Lee said fix but do not widen the roadway.

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Beatrice Botham, Bike Jersey City

Ms. Botham opposes the expansion of the Turnpike widening of behalf of Bike Jersey City. Ms. Botham added we need to move more people, mass transit is more efficient. Ms. Botham suggests fixing the crumbling infrastructure and asked the Authority to not do this expansion. Ms. Botham said we need more public transportation, bikeways, walkways and rails.

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Doug O'Malley, Director of Environment New Jersey

Mr. O'Malley thanked the Turnpike for not having Executive Session at the beginning of the meeting. Mr. O'Malley thanked testifiers before him, Jersey City Council and former EPA Administrator

Jeanne Fox. Mr. O'Malley said the 9-page rejection of the Empower NJ petition from the Authority is weak. The Authority should look at the facts on the ground that this extension will increase climate pollutants. Mr. O'Malley said the Authority should re-evaluate how to reduce climate pollutants. Mr. O'Malley said there is a need for a climate study.

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Claire Whitcombe, Chair of Environmental Commission, Madison

Ms. Whitcombe echoed previous the comments. Ms. Whitcombe advised expansion does not work, it flies in the face of all the climate goals of the Murphy Administration.

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EXECUTIVE DIRECTOR COMMENTS

None

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CHAIR COMMENTS

None

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COMMISSIONER COMMENTS

None

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HUMAN RESOURCES

Director of Human Resources, Mary-Elizabeth Garrity requested approval of item number 132-07-2022. Moved is the item as follows:

132-07-2022

Director of Human Resources, Mary-Elizabeth Garrity submitted the Personnel Agenda, dated July 26, 2022, and requested confirmation of the personnel matters contained therein. The Executive Director certified the recommendations for consideration.

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

DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ- SCACCETTI
YES	YES	YES	YES	YES	YES

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LAW

Acting Director of Law, Ann C. Monica, requested approval of item number 133-07-2022. Moved is the item as follows:

133-07-2022

In a document dated July 12, 2022, Authorization to Settle Litigation in the Matter of DiFalco v. Gelfand and Westfield Board of Education (Union County), R-173077, Budget Code: 10-822-441043, Amount: \$1,000,000.00, was approved.

This matter is a wrongful death claim arising from an off-duty Trooper, who was driving on Central Avenue in Westfield Township, when a high school student dashed across the roadway, and was fatally struck by the vehicle on the evening of March 4, 2017. It was reported that the roadway was very dark and poorly lit.

On November 8, 2019, the New Jersey Turnpike Authority and New Jersey State Police were dismissed from the case, where the court ruled that no liability was committed by them. Thereafter, on June 15, 2022, the parties attended a mandatory settlement conference that was presided by the Honorable Mark Ciarrocca, J.S.C. At the settlement conference, Judge Ciarrocca recommended to the parties a global settlement of \$1,100,000, with a split of \$1,000,000 from the Authority, and \$100,000 from the Westfield Board of Education. Because the Authority has a contractual responsibility to underwrite State Police Troop "D", it is therefore responsible for contributing the \$1,000,000 toward the recommended settlement. Outside counsel reviewed this matter and other similar matters that were previously adjudicated and/or settled to confirm that this proposed settlement value is reasonable given the facts of the case, in consideration of plaintiff's injury, age, and the projected future costs of defense. The Law Department concurs with outside counsel's recommendation in lieu of Judge Ciarrocca's tentative settlement proposal.

Therefore, it is recommended that the Authority's Commissioners approve the settlement of this matter pursuant to the terms set forth above. It is also recommended that the Authority's Commissioners authorize the Executive Director to execute any and all documents in furtherance of same.

On motion by Commissioner Minella and seconded by Commissioner Salerno the Board unanimously approved item number 133-07-2022; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ- SCACCETTI
YES	YES	YES	YES	YES	YES

Acting Director of Law Ann C. Monica requested approval of item number 150-07-2022. Moved is the item as follows:

RULE OF NECESSITY

As a result of the current vacancies on the Board and the recusals of Commissioners Diaz and Gravino, there is a lack of the requisite five votes needed to act on any contract award to Genova Burns as part of Agenda Item No. 150-07-2022. If the competitively procured contracts to Genova Burns LLC for Employment Practices and for Intellectual Property cannot be awarded, the Authority's Law Department will not have the necessary specialized legal services that it requires to assist in protecting

the Authority's interests in labor and employment and intellectual property matters. Consequently, there is a pressing need for the specialized legal services offered by Genova Burns LLC, and the foregoing circumstances are not anticipated to resolve in the near future, so that postponing any contract award to Genova Burns as part of Agenda Item No. 150-07-2022 is not an alternative. For all of the foregoing reasons, invoking the rule of necessity in this instance is justified, and Commissioners Diaz and Gravino may vote on the contract awards to Genova Burns LLC as part of Agenda Item No. 150-07-2022.

150-07-2022

In a document dated July 20, 2022, **Authority Counsel, Authority Counsel (Conflicts) and Special Counsels, Various Law Firms, RM-170842 (Law), Budget Code: Various, Amount: \$8,200,000.00**, was approved.

The New Jersey Turnpike Authority ("Authority") issued a request for qualifications ("RFQ") for Authority Counsel, Authority Counsel (Conflicts), and Special Counsels for six (6) practice areas (collectively "Counsels"). These Counsels will assist the Law Department in providing legal advice and advocacy for the Authority. Specialized practice areas included the following: 1) Litigation, 2) Bond/Tax Counsel, 3) Employment Practices and Labor Relations, 4) Insurance, 5) Intellectual Property, and 6) Police Protective. The terms of the contracts are for a period of two (2) years with the option to extend for two additional one-year terms at the discretion of the Authority.

The RFQ was advertised in the Star Ledger and the Asbury Park Press on April 8, 2022, the New Jersey Law Journal on April 11, 2022, and posted on the websites of the Authority and the State of New Jersey. In addition, 75 law firms listed on the Authority's vendor database were notified of the procurement. On May 4, 2022, the Authority received Qualifications from the 17 firms listed in Exhibit "A" attached hereto.

An Evaluation Committee ("Committee"), established by the Executive Director, consisted of the Deputy Executive Director, Director of Human Resources, and Director of Internal Audit. The Acting Director of Law and the Director of Procurement and Materials Management served as non-voting members of the Committee.

The RFQ stated clearly that the number of firms receiving specific awards would be determined by the Committee after the completion of its evaluation of all the Responses received. Set hourly rates for partners (\$200), associates (\$150) and legal assistants (\$90) were set forth in the RFQ.

The Committee reviewed the seventeen (17) Responses submitted. This review was extensive, incorporating the general information regarding each firm's profile and experience, as well as the qualifications and experience for each firm in the individual practice area(s) for which they had responded. The Committee scored and ranked each Response based on the evaluation criteria set forth in the RFQ. The top ranked firms were invited for oral presentations on June 23, June 24, June 27, June 28, July 7, July 11, and July 13, 2022. Based on the written and oral presentations, the Committee

then compiled a report that details the evaluation process and sets forth its findings and recommendations.

Below is the list of those firms the Committee recommends, after a thorough review of all Qualifications and oral presentations, for awards of Authority Counsel, Authority Counsel (Conflicts) and Special Counsels:

Company	Authority Counsel	Authority Counsel (Conflicts)	Litigation	Bond/Tax Counsel	Employment Practices	Insurance	Intellectual Property	Police Protective
Chiesa Shahinian & Giantomasi PC			✓					
DeCotiis, FitzPatrick, Cole & Giblin, LLP	✓				✓			✓
Dvorak and Associates, LLC								✓
Genova Burns LLC					✓		✓	
Malamut & Associates LLC						✓		
McManimon, Scotland & Baumann, LLC		✓		✓				
Pashman Stein Walder Hayden						✓		
Wilentz, Goldman & Spitzer, P.A.				✓				

This professional services procurement was conducted in accordance with *N.J.S.A. 27:23-6.1*, *N.J.A.C. 19:9-2.1(b)*, Executive Order No. 37 (Corzine 2006), and Executive Order No. 26 (Whitman 1994). This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardees pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award two-year contracts to each of the firms as stated above in an aggregate amount not to exceed \$8,200,000.00 for Authority Counsel, Authority Counsel (Conflicts) and Special Counsels. Each firm shall be compensated at the rates as set forth in the RFQ. Authorization is further requested for the Executive Director to approve each of the two (2) optional one-year extensions upon satisfactory performance by the firms, subject to funding availability at the time of service. It is also requested that the Executive Director be authorized to take such actions and to execute any and all documents that may be deemed necessary and appropriate to further the intent and purpose of the authorizations stated herein.

EXHIBIT A – List of Law Firms that submitted Qualifications

Company	Authority Counsel	Counsel (Conflicts)	Litigation	Bond/Tax Counsel	Employment Practices and Labor Relations	Insurance	Intellectual Property	Police Protective
Archer & Greiner, P.C.				✓				
Bathgate, Wegener & Wolf		✓						
Chiesa Shahinian & Giantomasi PC	✓	✓	✓					✓
DeCotiis, FitzPatrick, Cole & Giblin, LLP	✓				✓			✓
Dughi, Hewit & Domalewski, P.C.	✓	✓	✓		✓	✓		
Dvorak and Associates, LLC		✓	✓					✓
Florio Kenny Raval LLP	✓	✓	✓		✓	✓		✓
Genova Burns LLC		✓	✓		✓	✓	✓	
Gluck Walrath LLP			✓					
Malamut & Associates LLC	✓			✓	✓	✓		
McElroy, Deutsch, Mulvaney & Carpenter, LLP	✓	✓	✓		✓	✓		
McManimon, Scotland & Baumann, LLC	✓	✓		✓				
Murphy Orlando LLC	✓	✓	✓		✓	✓		✓
Pashman Stein Walder Hayden	✓	✓	✓		✓	✓		✓
Schaffer Shain Jollah PC	✓	✓	✓	✓	✓	✓	✓	✓
Weiner Law Group LLP		✓	✓					
Wilentz, Goldman & Spitzer, P.A.				✓				

On motion by Commissioner Minella and seconded by Commissioner Gravino, the Board approved item number 150-07-2022, *Decotiis, Fitzpatrick, Cole & Giblin, LLP, Teaneck, NJ for Authority Counsel*; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL
AUTHORITY COUNSEL

DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ-SCACCETTI
YES	YES	YES	YES	RECUSED	YES

On motion by Treasurer DuPont and seconded by Commissioner Diaz, the Board approved item number 150-07-2022, *McManimon, Scotland and Baumann LLC for Authority Counsel (Conflicts)*; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL
AUTHORITY COUNSEL (Conflicts)

DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ-SCACCETTI
YES	YES	YES	YES	YES	YES

On motion by Commissioner Minella and seconded by Treasurer DuPont, the Board approved item number 150-07-2022, *Chiesa Shahinian & Giantomasi PC, for Authority Counsel for Litigation*; and

authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

AUTHORITY COUNSEL (Litigation)

DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ- SCACCETTI
YES	YES	YES	YES	YES	YES

On motion by Commissioner Minella and seconded by Commissioner Salerno, the Board approved item number 150-07-2022, McManimon, Scotland and Baumann LLC *and Wilentz, Goldman & Spitzer PA for Bond/Tax Counsel*; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

AUTHORITY COUNSEL Bond/Tax Counsel

DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ- SCACCETTI
YES	YES	YES	YES	YES	YES

On motion by Commissioner Minella and seconded by Treasurer DuPont, the Board approved item number 150-07-2022, DeCotiis, Fitzpatrick, Cole & Giblin LLP and Genova Burns for Employment Practices; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

AUTHORITY COUNSEL (Employment Practices)

DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ- SCACCETTI
YES	YES	YES	YES	RECUSED	YES

On motion by Commissioner Minella and seconded by Commissioner Salerno, the Board approved item number 150-07-2022, Malamut and Associates LLC and Pashman Stein Walder Hayden *for Insurance* and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

AUTHORITY COUNSEL Insurance

DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ- SCACCETTI
YES	YES	YES	YES	YES	YES

On motion by Commissioner Minella and seconded by Commissioner Salerno, the Board approved item number 150-07-2022, Genova Burns *for Intellectual Property*; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

AUTHORITY COUNSEL Intellectual Property					
DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ-SCACCETTI
YES	YES	YES	YES	YES	YES

On motion by Commissioner Minella and seconded by Treasurer DuPont, the Board approved item number 150-07-2022, DeCotiis, Fitzpatrick, Cole & Giblin LLP and Dvorak and Associates, LLC *for Police Protective*; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

AUTHORITY COUNSEL Police Protective					
DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ-SCACCETTI
YES	YES	YES	YES	RECUSED	YES

Deputy Director of Procurement and Materials Management Janet Rzepka, requested approval of item number 143-07-2022. Moved is the item as follows:

143-07-2022

In a document dated July 19, 2022, Cleaning Services (Modification), Maverick Building Services, RM-173038 (Operations), Budget Code: Various, Current Authorized Amount: \$ 796,000.00, Supplemental Funds), Requested Amount: \$150,000.00, New Authorized Amount: \$ 946,000.00, was approved.

At its January 29, 2020 meeting (Agenda Item No. 019-01-2020), the Authority’s Board of Commissioners authorized the award of a two-year contract to Maverick Building Services (“Maverick”) to perform professional cleaning services at the Authority headquarters building in Woodbridge, NJ. On March 11, 2020, in response to the onset of the COVID-19 pandemic, the contract was modified to provide separate funding for weekly supplemental cleaning services at several Authority facilities which includes the headquarters building, the Traffic Management Center and the Central Services Facility. These supplemental services increased sanitizing efforts in high traffic and high touch areas as a proactive part of the Authority’s COVID-19 prevention plan. Due to the unknown duration these services would be required, these supplemental emergency funds have been increased several times which is directly attributed the continuance of COVID-19 cases statewide. The supplemental contract is due to expire August 1, 2022 and additional funds are required to continue this effort, as needed, through December 31, 2022.

The original procurement for this contract was conducted in accordance with N.J.S.A. 27:23-6.1 of the Authority’s enabling legislation, N.J.A.C. 19:19-9-2.1(b) promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006) and Executive Order No. 26 (Whitman 1994). This contract is in compliance with Public Law 2005, Chapter 51 and Executive Order No. 117 (Corzine 2008).

Accordingly, approval is requested to extend Contract No. 2892-SUPP with Maverick Building Services through December 31, 2022, and increase the contract by \$150,000.00, for a new total authorized amount not to exceed \$946,000.00, subject to funding availability at the time of service.

On motion by Commissioner Salerno and seconded by Commissioner Minella the Board unanimously approved item number 143-07-2022; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ- SCACCETTI
RECUSED	YES	YES	YES	YES	YES

Acting Chief Engineer Michael Garofalo requested approval of item numbers 134-07-2022 through 140-07-2022. Moved are the items as follows:

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PUBLIC BID SOLICITATIONS – AWARD OF CONTRACTS

134-07-2022

In a document dated July 6, 2022, Recommendation to Award Contract No. A100.614, New Jersey Turnpike and Garden State Parkway, J. Fletcher Creamer & Son, Inc., Curve Advisory Sign Installation, New Jersey Turnpike Milepost 90.9 to 119.1 and Milepost N7.7 to N7.9, Garden State Parkway Milepost 130.0 to 160.2, R-172957, Budget Code: 5000052000, Amount: \$5,245,075.00, was approved.

This contract will provide for the removal of substandard curve advisory signs and the installation of new curve advisory signs (both ground-mounted and bridge mounted) along approximately forty-five (45) select ramps at various northern interchanges on the New Jersey Turnpike and Garden State Parkway. Electric flashing beacon signs will be installed where warranted. All work is scheduled to be substantially completed by November 2023.

Two bid proposals were received on June 14, 2022 for the above publicly advertised contract, as shown on the attached bid summary sheet. The low bid proposal, in the amount of \$5,245,075.00, may be compared to the second low bidder in the amount of \$7,450,954.04. The bids were significantly lower than the Engineer's Estimate in the amount of \$8,423,125.00, which is likely due to the low bidder's proximity to the project and current workload. The low bidder, J. Fletcher Creamer & Son, Inc. has performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. A100.614 be awarded to the low bidder, J. Fletcher Creamer & Son, Inc. of Hackensack, New Jersey in the amount of \$5,245,075.00. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents

submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006).

The General Consultant, HNTB Corporation, concurs with this recommendation.

135-07-2022

In a document dated July 7, 2022, **Recommendation to Award Contract No. A900.640, New Jersey Turnpike and Garden State Parkway, Mount Construction Co., Inc., Immediate and Scheduled Repairs (2022), Milepost 0 to 122 New Jersey Turnpike and Milepost 0 to 172 Garden State Parkway, R-172962, Budget Code: 0390028006, Amount: \$4,000,000.00**, was approved.

Frequently the Authority must expedite emergency repair work caused by accident or deterioration. This Contract will provide the Authority the ability to have immediate and scheduled construction/repair work performed on an as-needed basis. The work to be performed under this Contract involves immediate and scheduled repairs to Authority facilities, including, but not limited to, bridge structures, roadways, drainage facilities, culverts, sign structures, toll plazas, etc. The limits of work extend from Mileposts 0 to 122 including the Pearl Harbor Memorial Turnpike Extension and the Newark-Bay Hudson County Extension along the New Jersey Turnpike, and Mileposts 0 to 172 along the Garden State Parkway. The immediate and scheduled repairs will be as directed by the Engineering Department by work orders for a period of two years. The Executive Director will have the option to authorize two one-year extensions at his sole discretion.

Four bid proposals were received on July 1, 2022 for the above publicly advertised contract, as shown on the attached bid summary sheet. The low bid proposal of 1.58% may be compared to the second low bid of 3.17%. The Engineer's Estimate is 14.50%. These percentages represent a weighted average mark-up on the Contractor's time and materials cost of performing the work. Mount Construction Co., Inc. has performed work for the Authority on similar on-call Contracts and is considered competent to complete this Contract.

It is, therefore, recommended that Contract No. A900.640 be awarded to the low bidder, Mount Construction Co., Inc. of Berlin, New Jersey in the amount of \$4,000,000.00. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006).

The General Consultant, HNTB Corporation, concurs with this recommendation.

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ORDER FOR PROFESSIONAL SERVICES (OPS)

136-07-2022

In a document dated July 5, 2022, **Recommendation to Issue Order for Professional Services No. T3875, New Jersey Turnpike, Michael Baker International, Inc., Design Services for Contract No. T200.617, Roadway Lighting Improvements at Turnpike Northern and Southern Mixing Bowls, R-172955, Budget Code: 5000040000, Amount: \$2,500,000.00**, was approved.

This Order for Professional Services will provide design services for Contract No. T200.617, Roadway Lighting Improvements on the New Jersey Turnpike at the Northern and Southern Mixing Bowls. The work shall include the construction of multiple lighting systems with LED lighting at each location. Design services shall include development of construction plans and specifications for lighting systems, including design of remote monitoring and controls of the system, electrical power, utility coordination, utility orders, removal of existing facilities, and post design services.

This assignment is classified as a "Complex Project" since the scope of work is not clearly defined and likely to change during the course of the project, and the cost exceeds \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and thirty-six (36) engineering firms were prequalified and eligible under Profile Code A300, Roadway Lighting Systems. Three firms submitted EOIs by the closing date of March 11, 2022.

In accordance with the regulations, for Complex Projects, "If only three or four EOIs have been deemed complete by the Authority, these firms shall receive the RFP and the Review Committee will not conduct an evaluation of the EOIs..." [19:9-2.8.3]. The Review Committee recommended that we proceed directly to the RFP phase of the procurement and solicit Technical and Fee Proposals from the three firms which submitted complete EOIs: Michael Baker International, Inc.; Stantec Consulting Services, Inc., and Arora and Associates, P.C. The Review Committee reviewed and evaluated each firm's Technical Proposal and it was determined that oral presentations would not be required. Final scoring resulted in Michael Baker International, Inc. being the highest technically ranked firm. The fee submitted by Michael Baker International, Inc. has been reviewed and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. T3875 be issued to the firm of Michael Baker International, Inc. of Newark, New Jersey in an amount not to exceed \$2,500,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.73 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1, et seq., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

137-07-2022

In a document dated July 5, 2022, **Recommendation to Issue Order for Professional Services No. A3946, New Jersey Turnpike and Garden State Parkway, LiRo Engineers, Inc., Supervision of Construction Services for Contract No. A100.614, Curve Advisory Sign Installation, New Jersey Turnpike Milepost 90.9 to 119.1 and Milepost N7.7 to N7.9, Garden State Parkway Milepost 130.0 to 160.2, R-172956, Budget Code: 5000052000, Amount: \$1,150,000.00**, was approved.

This Order for Professional Services will provide supervision of construction services for Contract No. A100.614, Curve Advisory Sign Installation, New Jersey Turnpike Milepost 90.9 to 119.1 and Milepost N7.7 to N7.9, Garden State Parkway Milepost 130.0 to 160.2. These services include construction inspection, material testing, record keeping, preparation of payment estimates, and other services required to ensure compliance with the contract documents.

This assignment is classified as a "Simple Project" based on the scope of work being clearly defined and not likely to change during the course of the project, and the cost not exceeding \$2,000,000.00. The solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and fifty-one (51) engineering firms were prequalified and eligible under Profile Codes: B153, Roadway Construction Inspection and B156, Bridge Repair Inspection. Four (4) firms submitted EOIs by the closing date of June 15, 2022.

Subsequent to the scoring of EOIs by the Review Committee, Fee Proposals were requested from the top three technically ranked firms. The firms in the order of ranking are: 1) LiRo Engineers, Inc.; 2) KS Engineers, P.C.; and

3) M&J Engineering, P.C. The fee submitted by LiRo Engineers, Inc. has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. A3946 be issued to the firm of LiRo Engineers, Inc. of Edison, New Jersey, in an amount not to exceed \$1,150,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.15 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1, et seq., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

138-07-2022

In a document dated July 6, 2022, **Recommendation to Issue Supplement B to Order for Professional Services No. P3672, Garden State Parkway, Stantec Consulting Services, Inc., Design Services for Contract No. P100.473, Bridge Repairs and Resurfacing, Milepost 0 to 126 (2020), R-172959, Budget Code: 5000002001, Original OPS Amount:\$ 1,028,000.00, Amount of Supplement A: \$ 1,500,000.00, Amount of Supplement B \$ 400,000.00, Revised OPS Amount: \$ 2,928,000.00,** was approved.

This Order for Professional Services was approved at the December 2018 Commission Meeting in the amount of \$1,028,000.00 to provide for bridge inspection, condition evaluation and preparation of contract documents for Bridge Deck Repairs, Resurfacing and Miscellaneous Structural Repairs on the southern portion of the Parkway.

Supplement A provided for accelerated design services for bridge inspection, condition evaluation, development of construction documents and post-design construction support services for Contract No. P100.590, Parkway Bridge Superstructure Replacement, Milepost 106.3 to 106.5.

Supplement B will provide for unanticipated design services beyond the current authorized scope of work. The additional work requested by the Authority includes design and post-design services of a temporary roadway crossover from the GSP Southbound Outer Roadway (SBO) to the Southbound Inner Roadway (SBI) which will be issued as a Change of Plan (COP) to Contract No. P100.590. This crossover will provide an alternate route for SBO traffic exiting at Interchange 105 during the closure of the SBO exit ramp, which is necessary for the superstructure replacement. Also included in this supplement are additional design services and COPs for various repairs to Bridge No. 106.4SO located within the work zone.

It is, therefore, recommended that Supplement B to Order for Professional Services No. P3672 be issued to Stantec Consulting Services Inc. not to exceed the amount of \$400,000.00 with compensation on the same basis as the original Order for Professional Services. The addition of this amount increases the total authorized fee from \$2,528,000.00 to \$2,928,000.00. The original contract was procured pursuant to N.J.S.A. 52:34-9.1, et seq., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

FINAL ACCEPTANCES

139-07-2022

In a document dated July 7, 2022, **All work performed on the construction contract listed below has been completed in accordance with the contract documents and to the satisfaction of the Engineering Department. Accordingly, it is recommended that this contract be deemed complete and approved for Final Acceptance. The table below lists pertinent Change Order and financial information including the final payment amount due the Contractor upon Final Acceptance,** was approved.

Contract No.	Contractor	Award Total Amount	No. of Change Orders	Additions/ Reductions	Final Total Contract Amount	Final Payment Amount
P100.520	Joseph M. Sanzari, Inc.	\$6,618,255.00	4	\$98,474.73	\$6,716,729.73	\$101,606.22
Total						\$101,606.22

The Certification and Recommendation for Final Acceptance has been executed by the Engineers, the General Consultant and the Chief Engineer. All required contract documents including the Engineer's Final Certifications, Maintenance Bonds, Affidavit of Prevailing Wage and the Final Payment certificates have been submitted to the Law Department and approved as to correctness of form. Furthermore, the Contractors have certified that there are no liens outstanding against the Contractors. Accordingly, it is recommended that each contract listed above be accepted and final payment in the amounts shown above be made to the Contractors.

ACKNOWLEDGE REPORTS OF
ENGINEERING EXPENDITURES UNDER DELEGATED AUTHORITY

140-07-2022

The Board acknowledges the reports of Engineering Expenditures Under Delegated Authority as indicated below:

- Construction Contract Progress Summary
- Change Order Summary

On motion by Commissioner Minella and seconded by Commissioner Salerno the Board unanimously approved item nos. 134-07-2022 through 139-07-2022; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda. The Authority unanimously accepted the reports contained in item number 140-07-2022 and received same for file.

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ROLL CALL

DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ- SCACCETTI
YES	YES	YES	YES	YES	YES

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PROCUREMENT AND MATERIALS MANAGEMENT ("PMM")

Deputy Director of Procurement and Materials Management Janet Rzepka, requested approval of item numbers 141-07-2022 and 142 and 144 through 149-07-2022 and 151-07-2022. Moved are the items as follows:

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PUBLIC BIDS

141-07-2022

In a document dated July 8, 2022, Single Axle Dump Trucks (12), Gabrielli Truck Sales of Bloomsbury, Inc., R-171324 (Operations), Budget Code: 049 00 500 156555 0490016001, Amount: \$3,385,396.00, was approved.

Under this contract, Gabrielli Truck Sales of Bloomsbury, Inc. ("Gabrielli") will provide twelve (12) 2022 single-axle dump trucks with snowplow, hitch and de-icing system as well as required safety lighting for winter snow removal operations. In addition, Gabrielli will provide four (4) 10' patrol wing plows. These trucks are replacing existing older models that have reached their life expectancy and will be sold as surplus, if feasible. The bid was fully advertised, and 16 vendors listed in the Authority's database for the referenced commodity were notified of the procurement. On June 16, 2022, two (2) bids were received as follows:

<u>Vendor</u>	<u>Single-Axle Dump Trucks (12) Unit Price</u>	<u>Patrol Wing Plows (4) Unit Price</u>	<u>Total Bid Price</u>
Gabrielli Truck Sales of Bloomsbury, Inc Bloomsbury, NJ	\$274,196.00	\$23,761.00	\$3,385,396.00
Beyer Bros. Corp., Fairview, NJ	\$314,526.00	\$28,321.00	\$3,887,596.00
Departmental Estimate: \$3,330,000.00			

Bids were procured and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-1 *et seq.*, the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award a contract for twelve (12) 2022 single-axle dump trucks with accessories to Gabrielli Truck Sales of Bloomsbury, Inc for a total amount not to exceed \$3,385,396.00.

142-07-2022

In a document dated July 13, 2022, 11-Foot-Wide Area Mowers (6), Central Jersey Equipment, LLC, R-172149/R-173117 (Operations), Budget Code: 049 00 500 156555 0490016003, Amount: \$ 424,140.00, was approved.

Under this contract, Central Jersey Equipment, LLC will supply six (6) 11-foot-wide area mowers for use by the Operations Department. These mowers are replacing existing older models that have reached their life expectancy and will be sold as surplus if feasible. The bid was fully advertised and the 21 vendors listed in the Authority's database for the referenced commodity were notified of the procurement. On July 6, 2022, a sole bid was received as follows:

<u>Vendor</u>	<u>Unit Price</u>	<u>Total Bid Price</u>
Central Jersey Equipment, LLC, Elmer, NJ	\$70,690.00	\$424,140.00

Departmental Estimate: \$400,000.00

Bids were procured and authorization is being sought to award this contract in accordance with *N.J.S.A. 27:23-1 et seq.*, the Authority's enabling legislation, *N.J.A.C. 19:9-2.2*, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award a contract for six (6) 11-foot-wide area mowers to Central Jersey Equipment, LLC for a total amount not to exceed \$424,140.00.

143-07-2022 Moved to beginning

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STATE/GOVERNMENT CONTRACTS

144-07-2022

In a document dated July 8, 2022, **ITS Supplemental Staffing, Computer Aid, Inc., RM-172432 (ITS), Budget Code: Various, State Contract No. 18-COMP-00277 expiring 8/31/2022, Amount: \$2,000,000.00**, was approved.

Under this contract, Computer Aid, Inc. will supply consultative and technical supplemental staff for several ongoing and new 2022/2023 ITS projects. These services will include supplying qualified software programmers, technicians, security analysts, and project managers to perform various functions related to ITS projects. The temporary ITS staffing is available from NJ State Contract 18-COMP-00277 expiring 8/31/2022.

This procurement, under State Contract No. 18-COMP-00277, is in accordance with *N.J.A.C. 19:9-2.5(a)*, promulgated pursuant to *N.J.S.A. 27:23-1 et seq.*, the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006) which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a contract under State Contract No. 18-COMP-00277 for temporary staffing services to Computer Aid, Inc. for a total amount not to exceed \$2,000,000.00, subject to funding availability at the time of service.

145-07-2022

In a document dated July 8, 2022, **Intelligent Transportation Management System Support Services, Insight Public Sector, Inc., R-172219 (ITS), Budget Code: 010 00 830 121020, State Contract No. 20-TELE-01512 expiring 05/24/2026, Amount: \$325,236.00**, was approved.

Under this contract, the Authority will procure IBM's services through Insight Public Sector, Inc. to provide system support for the Intelligent Traffic Management System ("ITMS") for the period

06/1/2022 through 05/31/2023. ITMS is a customized software developed by IBM as part of the Advanced Traffic Management Program. The contract will cover Level 2 support for all ITMS components as well as IBM administration and reporting. This contract will also provide Level 3 support for ITMS component software repositories, development, and test systems. The computer software and support services are available from NJ State Contract No. 20-TELE-01512 expiring 05/24/2026.

This procurement, under State Contract No. 20-TELE-01512, is in accordance with *N.J.A.C. 19:9-2.5(a)*, promulgated pursuant to *N.J.S.A. 27:23-1 et seq.*, the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006) which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey. Furthermore, the State Contract Index T-3121 provides access to several software providers and, therefore, requires agencies to seek multiple quotes to ensure the most competitive pricing. Quotes were solicited from four (4) software providers and one (1) quote was received as follows:

<u>Vendor</u>	<u>Total Price</u>
Insight Public Sector, Inc., Tempe, AZ	\$325,236.00

Accordingly, authorization is requested to award a contract under State Contract No. 20-TELE-01512 for ITMS support services to Insight Public Sector, Inc. for an amount not to exceed \$325,236.00.

146-07-2022

In a document dated July 8, 2022, IBM Software Licensing 2022-2023, Insight Public Sector, Inc., R-172351 (ITS), Budget Code: 010 00 830 121020, State Contract No. 20-TELE-01512 expiring 05/24/2026, Amount: \$164,446.57, was approved.

Under this contract, Insight Public Sector, Inc. will provide the annual renewal of software licenses for several IBM software products for a one (1) year period from 07/01/2022 through 06/30/2023. These products include, but are not limited to, Netcool, WebSphere, C Compiler and Intelligent Operations Center products. These software products compose and support a variety of the Authority's software platforms such as the Intelligent Transportation Management System, as well as toll collection and traffic statistics systems. The software licenses are available from NJ State Contract No. 20-TELE-01512 expiring 05/24/2026.

This procurement, under State Contract No. 20-TELE-01512, is in accordance with *N.J.A.C. 19:9-2.5(a)*, promulgated pursuant to *N.J.S.A. 27:23-1 et seq.*, the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006) which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey. Furthermore, the State Contract Index T-3121 provides access to several software providers and, therefore, requires agencies to seek multiple quotes to ensure the most competitive pricing. Quotes were solicited from four (4) software providers and one (1) quote was received as follows:

<u>Vendor</u>	<u>Total Price</u>
Insight Public Sector, Inc., Tempe AZ	\$164,446.57

Accordingly, authorization is requested to award a contract under State Contract No. 20-TELE-01512 for IBM software licenses to Insight Public Sector, Inc. for an amount not to exceed \$164,446.57.

147-07-2022

In a document dated July 8, 2022, **IBM Software and Hardware Maintenance and Support, IBM Corporation, R- 172462 (ITS), State Contract No. 40047 expiring 7/31/2022, Budget Code: 010 00 830 427010, Amount: \$1,076,581.80 (5-year contract)**, was approved.

Under this contract, IBM Corporation will provide 5-years of software and hardware support for a number of IBM products which are critical to the Authority's day-to-day financial, tolls, and traffic operations. This Master Service Agreement includes maintenance and support for all IBM hardware, as well as IBM's operating systems. Operating system maintenance includes security updates, patches, and issue resolution. This maintenance and support are available from NJ State Contract No. 40047 expiring 7/31/2022.

This procurement, under State Contract No. 40047 is in accordance with *N.J.A.C. 19:9-2.5(a)*, promulgated pursuant to *N.J.S.A. 27:23-1 et seq.*, the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006) which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a contract under State Contract No. 40047 for 5-year software and hardware maintenance and support to IBM Corporation for an amount not to exceed \$1,076,581.80.

148-07-2022

In a document dated July 13, 2022, **7-Cubic Yard Dump Truck Accessories, Bucks County International, Inc., R-172673/R-172674 (Operations), State Contract No. 79123 expiring 10/14/2022, Budget Code: 049 00 500 156555 0490016001, Amount: \$441,086.00**, was approved.

Under this contract, Bucks County International, Inc. will provide options and accessories required to upfit twenty-two (22) 2021 model and twenty (20) 2022 model International cab and chassis dump trucks. These 42 trucks were originally procured under State Contract during the respective model years but are not yet in production. Accessories include, but are not limited to, upgrades to the oil pan and hydraulic lines (to increase longevity), more efficient spreader system, and a vibrating dump body. The dump truck accessories are available from NJ State Contract No. 79123 expiring 10/14/2022.

This procurement, under State Contract No. 79123, is in accordance with *N.J.A.C. 19:9-2.5(a)*, promulgated pursuant to *N.J.S.A. 27:23-1 et seq.*, the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006) which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a contract under State Contract No. 79123 for dump truck accessories to Bucks County International, Inc. for a total amount not to exceed \$441,086.00.

149-07-2022

In a document dated July 20, 2022, **Mobile Incident Command Center, LDV Custom Specialty Vehicle, R- 172612 (Operations), Budget Code: 049 00 500 156555 0490016000, Federal GSA Contract: 47QMCA21D000F expiring 11/03/2025, Amount: \$ 263,980.00**, was approved.

Under this contract, LDV Custom Specialty Vehicle will provide one (1) mobile incident command center. This vehicle will be utilized by the Operations Department for long-term disaster recovery and emergency incidents such as hazmat events, truck rollovers, bus crashes with occupants, forest fires, civil unrest, etc. This vehicle will provide shelter and a link-up to NJTA networks with the additional ability to provide live camera feeds of the incident. Linking to NJTA networks can eliminate the constraints on employees that have to upload reports and documentation the next business day(s). The vehicle will also provide storage of key support items for major incidents such as portable light trailers, portable radio charging stations and portable weather stations. This mobile command center is available from Federal GSA Contract 47QMCA21D000F expiring 11/03/2025.

This procurement, under the General Services Administration ("GSA")/Federal IT Schedule 70, Contract No. 47QMCA21D000F, is in accordance with N.J.A.C. 17:12-1A.5, promulgated pursuant to N.J.S.A. 52:34-6.3 which permits New Jersey state entities such as the Authority, without advertising, to purchase goods and services directly from vendors which hold GSA contracts under the Federal Supply Schedules.

Accordingly, authorization is requested to award a contract under GSA Contract No. 47QMCA21D000F for one (1) mobile incident command center to LDV Custom Specialty Vehicle for an amount not to exceed \$263,980.00.

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PROFESSIONAL SERVICES

150-07-2022 Moved to beginning

151-07-2022

In a document dated July 25, 2022, **Deferred Compensation Program Administration Services, MissionSquare, RM-172245 (Human Resources), Budget Code: Various, Amount: No cost to the Authority (Plan fees paid by participants)**, was approved.

The New Jersey Turnpike Authority ("Authority") issued a request for proposals ("RFP") to engage the services of a firm to provide deferred compensation program administration services related to the Authority's deferred compensation 457b plan ("Plan"). Specifically, the successful administrator will provide the Authority with high quality recordkeeping and administrative services as well as employee communications and education for the plan.

The RFP was advertised on June 1, 2022 in the Star Ledger and the Asbury Park Press and posted on the Authority's and State of New Jersey websites. In addition, the 7 firms listed in the Authority's database for the referenced services were notified of the procurement. On June 29, 2022, proposals were received from the following seven firms:

1. AIG Retirement Services ("AIG") – Houston, TX
2. Empower Retirement LLC ("Empower") – Greenwood Village, CO
3. Equitable Financial Life Insurance Company ("Equitable") – New York, NY
4. Lincoln Financial Group ("Lincoln") – Fort Wayne, IN
5. MissionSquare – Washington, DC
6. Nationwide Retirement Services ("Nationwide") – Columbus, OH
7. Voya Retirement Insurance and Annuity Company ("Voya") – Windsor, CT

An Evaluation Committee (the "Committee"), established by the Executive Director, consisted of personnel from the Authority's Internal Audit, Patron Services, and Finance Departments. In addition, staff from the Human Resources and Procurement and Materials Management Departments served as non-voting members of the Committee. MMA Securities-Centurion ("MMA"), the Authority's deferred compensation consultant, served as a non-voting member of the Committee to assist and advise the Authority throughout the procurement process.

The Committee reviewed the written proposals based on the criteria set forth in the RFP and scored each firm individually. Based on the Committee's review of the proposals, the Committee invited representatives from the four (4) top-ranked firms, namely Empower, Mission Square, Nationwide, and Voya, to make oral presentations and provide best and final offers ("BAFOs"). Based upon the written and oral presentations, the Committee prepared a report that detailed the evaluation process and set forth its findings and recommendation.

The Committee found that all four firms were highly qualified and responsive to the Authority's Scope of Services. All four firms provided a professional and comprehensive oral presentation with experienced account management teams.

The Evaluation Committee recommends that the contract be awarded to MissionSquare. MissionSquare is a not-for-profit firm dedicated to governmental plan recordkeeping. Several aspects of their proposal stood out. For example, they proposed a non-proprietary stable value product, specifically the MassMutual Stable Value Diversified Fund. The Authority's credited interest rate would be established approximately one month prior to the transfer of assets. MissionSquare's proposed credited interest rate is higher than that offered by other proposers. In addition, MissionSquare recognized that an additional field representative would be needed to serve the Authority's participants and proposed hiring an additional representative in consultation with the Authority. Also, to assist with retirement planning, MissionSquare offers salaried Certified Financial Planners (CFP) to provide monthly webinars on financial planning topics for all employees and would make available to Authority plan participants with account balances of \$100,000 or more one-on-one CFP services including a full financial plan.

MissionSquare proposed an education and communications campaign to insure a seamless transition for plan participants. Finally, MissionSquare proposed a participant charge of 2.5 basis points supplemented by a 20 basis point charge on the stable value diversified funds assets, for the lowest overall proposed pricing and stable value features.

This professional services procurement was conducted in accordance with *N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.1(b)*, Executive Order No. 37 (Corzine 2006), and Executive Order No. 26 (Whitman 1994). This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardees pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested for Executive Director to enter into a five-year contract with MissionSquare for administration and investment services for the Plan on behalf of Plan participants. It is further requested that the Executive Director be delegated the discretion to exercise each of the two (2) optional one-year extensions upon satisfactory performance, subject to funding availability at the time of service. It is also requested that the Executive Director be authorized to take such actions and to execute any and all documents as deemed necessary and appropriate to further the intent and purpose of the authorization requested herein.

On motion by Treasurer DuPont and seconded by Vice Chair Diaz the Board unanimously approved item numbers 141-07-2022 and 142-07-2022 and 144-07-2022 through 149-07-2022 and 151-07-2022; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ-SCACCETTI
YES	YES	YES	YES	YES	YES

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OPERATIONS

Director of Operations Kevin Dunn requested acceptance of item number 152-07-2022. Moved
is the item as follows:

152-07-2022

Director of Operations Kevin Dunn requested acceptance of **Volumes and Crash Synopses for the Garden State Parkway and New Jersey Turnpike: Period 01/01/2022 through 06/30/2022; with 2021-2022 Yearly Comparisons through June 2022**, was approved.

On motion by Treasurer DuPont and seconded by Vice Chair Diaz the Board unanimously accepted item number 152-07-2022; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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STATE POLICE

Major Sheila McKaig-Devlin requested acceptance of item number 153-07-2022. Moved is the item as follows:

153-07-2022

Major Sheila McKaig-Devlin requested acceptance of the **New Jersey State Police Troop D Activity Reports** for June 2022, with 2021– 2022 Yearly Comparisons.

On motion by Commissioner Gravino and seconded by Treasurer DuPont the Board unanimously accepted the reports contained in item number 153-07-2022 and received same for file.

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FINANCE

Chief Financial Officer Donna Manuelli requested acceptance of item number 154-07-2022. Moved is the item as follows:

154-07-2022

Chief Financial Officer Donna Manuelli presented the **Financial Summary for the Six (6) months ended June 30, 2022**, was accepted.

On motion by Commissioner Minella and seconded by Commissioner Salerno the Board unanimously accepted item number 154-07-2022; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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Executive

Executive Director John Keller requested approval of item numbers 155-07-2022 and 156-07-2022. Moved are the items as follows:

155-07-2022

In a memorandum dated July 26, 2022, **Authorization to Enter into Memorandum of Understanding With the Department of Law and Public Safety, Division of New Jersey State Police for Use of Certain Authority Property**, was approved.

The New Jersey Department of Law and Public Safety, Division of New Jersey State Police (NJSP), has requested the use of a portion of property owned by the Authority that is located at 14 Port Street in Newark (the "Property") for certain law enforcement purposes. Specifically, NJSP has requested the use of the second floor of the facility located on the Property, which is not used or needed by the Authority.

The Authority has a longstanding cooperative relationship with the NJSP, who provide law enforcement services for the Authority, including patrolling the Garden State Parkway and the New

Jersey Turnpike. In the spirit of continuing cooperation with the NJSP and, as authorized by N.J.S.A. 52:14-1, it is hereby requested that the Executive Director be authorized to enter into a Memorandum of Understanding (MOU), substantially in the form attached hereto, to permit the NJSP to occupy the second floor of the facility on the Property pursuant to the terms and conditions contained in the MOU, and to take any other action deemed necessary to effectuate the authorization herein.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
NEW JERSEY TURNPIKE AUTHORITY
AND
THE DEPARTMENT OF LAW AND PUBLIC SAFETY,
DIVISION OF NEW JERSEY STATE POLICE
FOR
USE OF CERTAIN OFFICE SPACE**

THIS AGREEMENT is between the New Jersey Turnpike Authority, (the Authority) a body corporate and politic, established pursuant N.J.S.A. 27:23-1, et seq., and the Department of Law and Public Safety, Division of New Jersey State Police (NJSP); and

WHEREAS, the New Jersey Turnpike Authority owns certain property located at 14 Port Street, Newark, New Jersey (the Facility); and

WHEREAS, the NJSP has expressed interest in utilizing the 2nd floor of the Facility for certain law enforcement purposes; and

WHEREAS, the Authority wishes to assist the NJSP in its ongoing efforts to protect and serve the citizens of the State of New Jersey; and

WHEREAS, the Authority is willing and able to permit the NJSP to use and occupy the 2nd floor of the Facility, which is not needed for Authority use; and

WHEREAS, the Parties are authorized to enter this cooperative agreement pursuant to N.J.S.A. 52:14-1, et seq. and N.J.S.A. 53:2-1, et seq.; and

WHEREAS, this Memorandum of Understanding (MOU) is intended to memorialize the relationship and the responsibilities of the Parties,

NOW, THEREFORE, the Parties agree as follows:

1. **Term.** Subject to the rights of termination set forth below, the term of this MOU commences upon the date that it is executed by both Parties, and shall continue in full force and effect for a term of fifteen (15) years.
2. **Termination.** This MOU may be terminated by either Party for any reason upon ninety (90) days written notice.
3. **Use of Facility.**
 - a. NJSP is authorized to have unrestricted access to and use of the Facility, including exclusive use of the 2nd floor of the Facility. NJSP shall take good and reasonable care in using the Facility, consistent with its intended use.
 - b. The Authority will provide parking for the NJSP as coordinated through the Authority.
 - c. The Authority shall be responsible to maintain the Facility in good repair at no cost to NJSP, including but not limited to: payment of utilities, janitorial services, trash removal, recycling, pest management, grounds maintenance, and snow removal.
 - d. NJSP shall immediately notify the Authority of any damage or malfunction, or need to repair any portion of the Facility occupied by NJSP.
4. **Liability.** The Authority acknowledges that any agreement signed on behalf of the NJSP by a State official shall be subject to all of the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq. (TCA), the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1 et seq., and the availability of appropriations. The NJSP cannot agree to indemnify any third party for acts of negligence and is not providing any indemnification to any grantee, contractor or other Party. The State of New Jersey does not carry general liability insurance, but the liability of the State and the obligation of the State to be responsible for tort claims against it are covered under the

terms and provisions of the TCA. The TCA also creates a fund into which the Legislature appropriates funds from time to time, and from which final tort claims are paid in accordance with its provisions. See N.J.S.A. 59:12-1.

4. **Points of Contact.** The contacts for all notifications required or otherwise necessary under this MOU shall be as follows:

New Jersey Turnpike Authority:

John M. Keller, Executive Director
New Jersey Turnpike Authority
1 Turnpike Plaza
P. O. Box 5042
Woodbridge, New Jersey 07095
Email: keller@njta.com
Phone: 732-750-5300

Division of New Jersey State Police:

Commanding Officer
Intelligence and Criminal Enterprise Section
River Road, P.O. Box 7068
West Trenton, NJ 08628
Email: I000@njsp.org
Phone: 609-882-2000 Ext. 2646

5. **Electronic Communication.** The Parties agree that electronic communication via email is the preferred method for the exchange of notices under this MOU.
6. **Assignment.** The Parties may not assign their rights, duties or obligations under this MOU, either in whole or in part, without receiving the prior written consent of the other Party. Any assignment made without consent of the other Party shall be void and the non-assigning Party shall not recognize any such assignment.
7. **Effect on Other Authorities.** Nothing in this MOU is intended to restrict the authority of either Party to act as permitted by law, or to restrict either Party from administering or enforcing any law. This MOU should not be construed as limiting or impeding the basic spirit of cooperation that exists between the Parties.
8. **Severability.** Nothing in this MOU is intended to conflict with applicable State or federal laws or regulations or the directives of Attorney General of New Jersey, or either Party. If a provision of this MOU is inconsistent with such authority, that term shall be invalid, but the remaining terms and conditions of this MOU shall remain in full force and effect. The Parties may renegotiate the terms affected by the severance.
9. **No Private Rights Created.** This MOU does not create any right or benefit, substantive or procedural, enforceable in law or in equity, against the State of New Jersey, or any state, against any department, agency, officer, employee of the State of New Jersey, or any state, against any entity, or any other person.
10. **Non-Waiver.** The failure by either Party to insist on performance of any term or condition or to exercise any right or privilege included in this MOU shall not constitute a waiver of same unless explicitly denominated in writing as a waiver and shall not in the future waive any such term or condition or any right or privilege. No waiver by a Party of any breach of any term of this MOU shall constitute a waiver of any subsequent breach or breaches of such term.
11. **Enforceability.** The Parties agree that this MOU shall not be enforceable as a matter of law or equity in any court or dispute resolution forum. Additionally, the Parties agree that the conditions of this MOU are not binding, and the sole remedy for non-performance under this MOU shall be termination, with no damages or penalty available to any Party.
12. **Amendments.** This MOU shall not be amended or modified without the express written consent of both Parties.
13. **Entire Agreement.** This MOU represents the entire agreement between the Parties and supersedes any written or oral understandings.
14. **Counterparts.** This MOU may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
15. **Electronic Signature.** The Parties agree that the execution of this Agreement by electronic signature and/or by exchanging PDF signatures will have the same legal force and effect as the exchange of original signatures.

Signatories:

The terms of this MOU have been read and understood by the persons whose signatures appear below.

NEW JERSEY TURNPIKE AUTHORITY

By: _____
John M. Keller
Executive Director

Date: _____

DEPARTMENT OF LAW AND PUBLIC SAFETY

By: _____
Matthew J. Platkin
Acting Attorney General of New Jersey

Date: _____

DIVISION OF NEW JERSEY STATE POLICE

By: _____
Colonel Patrick J. Callahan
Superintendent

Date: _____

156-07-2022

In a memorandum dated July 25, 2022, **Authorization to Adjust Employee Health Benefit Contributions as a Result of the Sunsetting of Chapter 78**, was approved.

Under P.L. 2011, c.78 ("Chapter 78"), public employees, including Authority employees, were required to make contributions toward the costs of health care benefits based on a sliding percentage of the cost of coverage. Lower compensated employees paid a smaller percentage of their annual salary and more highly compensated employees paid a higher percentage. The costs of an individual's health care benefits varied depending on the employee's choice of plan and type of coverage (e.g., employee only, employee and spouse, employee and child or and employee and family). The contributions were to be phased in immediately for non-union employees over a four-year period. For union employees, contributions did not commence until the collective bargaining agreements in effect when Chapter 78 was enacted had expired. Thereafter, the four-year phase-in commenced for union employees. As to union and non-union Authority employees, the four-year phase-in requirement is complete, and Chapter 78 has sunset in accordance with its terms.

As a result of the sunsetting of Chapter 78, the Authority will commence negotiations with the unions representing the various classifications of Authority employees to adjust the contribution levels that were previously mandated by Chapter 78. Accordingly, authorization is requested to permit the Executive Director and/or Deputy Executive Director to negotiate new health benefits contribution rates for all Authority employees, union and non-union, which will be based on an employee's annual salary and health care costs. In this regard it is anticipated that an employee earning \$75,000 annually will be required to contribute at least 2.5% of annual earnings towards their health care costs.

As a whole, an adjustment in health benefit contributions by aligned and non-aligned employees will have a de minimis effect on the Authority's finances taking into account the health plans offered, employee usage and claims experience.

Accordingly, it is requested that the Board of Commissioners authorize the Executive Director and/or Deputy Executive Director to undertake all necessary actions to provide an adjustment in

employee health benefit contributions for both aligned and non-aligned Authority employees in light of the sunseting of Chapter 78. It is further requested that the Executive Director and/or Deputy Executive Director be authorized to execute all documents and take any other actions as deemed necessary to effectuate the intent hereof.

On motion by Commissioner Salerno and seconded by Commissioner Minella the Board unanimously approved item number 155-07-2022 and 156-07-2022; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

DIAZ	DuPONT	GRAVINO	MINELLA	SALERMO	GUTIERREZ- SCACCETTI
YES	YES	YES	YES	YES	YES

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Executive Director Comments

Executive Director John Keller congratulated Michael Garofalo on his promotion to Chief Engineer as indicated on the Personnel Agenda dated July 26, 2022.

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Chair Comments

Chair Gutierrez-Scaccetti also congratulated Michael Garofalo on his promotion to Chief Engineer as indicated on the Personnel Agenda dated July 26, 2022.

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The motion to adjourn was made by Treasurer DuPont and seconded by Commissioner Gravino, and, after the voice vote, the motion was duly adopted. The Board of Commissioners adjourned the meeting at 10:30 a.m. and advised that the next meeting will be held on Tuesday, August 23, 2022, at 9:00 a.m., in person, with optional telephonic public call in (check the website NJTA.com to get call-in information), at the Authority's headquarters building located at 1 Turnpike Plaza in Woodbridge, New Jersey.



Kim Schurman
Secretary to the Authority



John M. Keller
Executive Director

Date: July 27, 2022