



NEW JERSEY TURNPIKE AUTHORITY

P.O. Box 5042
Woodbridge, New Jersey 07095-5042

VIA FACSIMILE

December 2, 2022

**ADDENDUM NO. 5
PREQUALIFICATION OF CONTRACTORS**

Routine Towing Services on The New Jersey Turnpike
and/or
Routine Towing Services and Emergency Services on the Garden State Parkway

Towing contractors intending to submit a Prequalification Application in the above matter are hereby notified that the Prequalification Application is amended and supplemented as follows:

Written inquiries received by the New Jersey Turnpike Authority by October 21, 2022 and questions posed by towing contractors at the Pre-Submission Conference held on August 30, 2022 are listed below, together with responses to those questions.

Receipt of Addendum No. 5 must be acknowledged in writing per Exhibit 1, ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA, of the Prepublication Application. Failure to acknowledge receipt of all Addenda may be grounds for rejection by the Authority.

Very truly yours,

Dale Barnfield, Director
PMM Department

THE NEW JERSEY TURNPIKE AUTHORITY'S WRITTEN RESPONSES TO QUESTIONS POSED AT THE TOWING PREQUALIFICATION CONFERENCE HELD ON AUGUST 30, 2022, AND TO WRITTEN QUESTIONS SUBMITTED ON OR BEFORE OCTOBER 21, 2022.

Following are the Authority's written responses to questions posed by prospective applicants for prequalification at the August 30, 2022 Pre-Submission Conference and to written questions received on or before on October 21, 2022. The information contained in these written responses supersedes any information that may have been provided at the August 30, 2022 prequalification conference, or otherwise. For the sake of efficiency, the questions posed may have been paraphrased.

1. QUESTION: The Bid requires submissions regarding Exhibits I-L being: Letter of Surety, Proposal Bond, Contract Bond and Insurance Waiver. As towers are not purchasing any items for the Turnpike, nor are they providing labor, materials, supplies, implements or machinery to the Turnpike, these bonding and surety requirements do not seem applicable. Also, the bonding requirements and surety requirements have not been required in the past towing contracts. Are they applicable to the current Bid?

RESPONSE: Initially, this is not a bid; this is a prequalification process by which interested towing contractors are seeking prequalification to respond to a request for bids to be issued by the Authority after the prequalification process is complete. The Prequalification Application does not require submission of a Letter of Surety, Proposal Bond, Contract Bond and Insurance Waiver, and there are no "Exhibits I-L" to the Prequalification Application.

2. QUESTION: The “Instructions to Bidders” package is generic in nature and does not reference any specifics regarding the Contract for Routine Towing Services. Will these requirements be forthcoming? What is the bidding procedure? Is the Turnpike Authority requesting the submission of the required exhibits found in the general Bid Package first, with specific requirements to follow?

RESPONSE: The Prequalification Application does not contain “Instructions to Bidders.” As set forth in the Response to Question 1, above, this is a prequalification process by which interested towing contractors are seeking prequalification to respond to a request for bids to be issued by the Authority after the prequalification process is complete. Upon completion of the prequalification process, the Authority will issue a request for bids that will contain specific “Instructions to Bidders.”

3. QUESTION: At the meeting of August 30, 2022, it was stated that the contract is for five years with a two-year option. The “Instructions to Bidder” literature indicates that the contract is for one (1) year with the option to extend for two (2) one-year options, see page 16. Which is correct?

RESPONSE: See responses to Question 1 and 2, above. The Prequalification Application at page 6, INTRODUCTION; paragraph 3 states: “The contracts will commence on or about the date of award and shall be for five (5) years with the option to extend for two additional one-year terms at the Authority’s discretion and the Successful Bidder’s concurrence”.

4. QUESTION: Please clarify the towing experience for shops to qualify. The Prequalification Application lists state highways that would make you qualify if you tow on them. Does the shop have to tow for the NJ State Police on these roadways or does any type of towing count such as a breakdown?

RESPONSE: Section IIIA of the Prequalification Application lists the experience that is required for prequalification. An Applicant must have at least three (3) years general towing experience from the Garage Facility for which it is seeking prequalification AND at least three (3) years towing experience on one or more of the Interstates, State routes and toll roadways listed in Section IIIA. Additionally towing experience within the past five (5) years for the New Jersey State Police may also be considered by the Authority. Consequently, the Authority will consider towing experience on the listed roadways regardless of whether the Applicant was performing towing services for the New Jersey State Police.

5. QUESTION: E-ZPass has issues with getting on an off the same exits and issues fines from our clicks why should the towers have to pay staff and accounts to correct this? We should have free E-ZPasses like the road contractors.

RESPONSE: See Section II, Paragraph 9 of the Prequalification Application at Page 13.

6. QUESTION: Would the Turnpike be open To SOP Contracts as opposed to RFP NJ now has A State standard and the Days Of Seville and L&J are now over.

RESPONSE: Procurement of towing contractors on Authority Roadways is dictated by N.J.S.A. 27:23.5 and N.J.A.C. 19:9-2.13. The Authority has no discretion to deviate from the competitive process being used here.

7. QUESTION: Record-keeping for the amount allowed to charge patrons and the paperwork the Turnpike wants monthly isn't cost effective being most towers have digital towing programs. Could this just be changed to if there is a customer dispute the Authority can request records like the State Police?

RESPONSE: The Authority intends to maintain that the requirements of Section II, paragraph 14 of the Prequalification Application, which provides for monthly submission of the documentation covered therein.

8. QUESTION: Will the Turnpike be open to looking into the rates again; the call volume over the last 5 yrs has dropped approximately 40% in most areas; with the Turnpike requirements for insurance, some company's struggle to survive?

RESPONSE: The traffic volume rates have rebounded and are back to normal. That 40% decrease was Covid 19-related and thus temporary. As to towing rates, increases went into effect on August 1, 2022, and a rule proposal that includes additional rate increases is currently pending and anticipated to become effective prior to the Authority issuing a request for bids to all towing contractors who are prequalified through the current prequalification process.

9. QUESTION: Can zone fees be removed, it's almost like pay to play; the fees were put in place in the 1950s when they had an SOP style contract not an RFP?

RESPONSE: The Authority implemented zone fees several years ago to relieve the Authority and towers from the burdens of having to monitor and remit, respectively, a percentage of revenues earned by Authority towers for performing services on the Roadways. The Authority believes the Zone Fees are reasonable and are intended to cover the Authority's costs in administering its towing program.

10. QUESTION: Regarding Page 28 of the Prequalification Application, Section 7b, "Garage Facility is in compliance with current state/municipal zoning laws...." We are having some issues trying to track down the Certificate of Continued Occupancy for our two properties. What other documentation would serve as proof of compliance? We have our Life Hazard Use Certificate of Registration for both properties. I have

requested documentation from both townships that we have a lease in place, however we are at the mercy of them getting any documentation to us in a timely manner. We have obviously held a contract with the NJTP Authority for over 10 years now and don't want to jeopardize not handing in our paperwork in time.

RESPONSE: The applicant should make contact with the appropriate office or offices in the municipality where the facility is located to obtain proof of Certificate of Continued Occupancy.

11. QUESTION: If a bidder bids on 3 zones and is granted all 3 zones but only wants 2 zones can you choose which zones you want?

RESPONSE: See page 6 of the Prequalification Application, which sets forth the number of contracts that may be awarded to a bidder, depending on the number of garage facilities for which the bidder is prequalified. In the event a bidder bids on more contracts than it can be awarded pursuant to the information provided on page 6 of the Prequalification Application, the Authority, not the bidder, has the discretion to determine which Zone(s) will be awarded to that bidder. A bidder who is deemed the successful bidder after opening of a bid cannot decide after the fact that it will or will not accept one or more of the contracts upon which it has bid. Submission of a bid is an offer by bidder to perform the contract upon which it is bidding and that offer cannot be "rescinded" once bids are opened.

12. QUESTION: We are given limited free passes on NJTP or GSP tolls, however the clicks are all considered equal for example a \$1.00 light duty-free click is given randomly and is counted equally, resulting in an expensive heavy-duty U-turn, to eventually be charged once free ez pass clicks are used up. This is also a high cost to the garage and administrative problem as well; a garage must have 1 person to follow

this ez pass account daily. Will the NJTP consider removing this in its entirety and coming up with a free toll or reimbursement program that works?

RESPONSE: See Response to Question No. 5.

13. QUESTION: Titles must be applied for by the agency in which ordered the tow; this is a NJMVC regulation, However, the NJTP does not and will not apply to NJMVC for titles on autos and trucks left at our garages. NJ State police will apply for a title for a vehicle that has been impounded and that have been left with a garage is at garage indefinitely. Will the Authority comply with NJMVC rules and apply for titles for cars that we tow off NJTP and no one redeems for NJTP contracted garages?

RESPONSE: This issue is under review; however, it does not currently impact or effect this current prequalification process.

14. QUESTION: Section II, paragraph 8 of the Prequalification Application forbids a garage from charging for clean up or speedy dry, we purchase oil dry material at our expense and we cannot charge for this., This also precludes a garage from charging for administrative fees, protecting vehicles interior, in the event of windows are broken, etc. This contract prequalification document in its present form does not allow a garage to charge a fair fee for this work; we are not allowed to charge for any labor, or speedy dry etc., not even for a truck accident with fuel or fluids all over the roadway that would be considered routine towing. Will the Authority consider allowing a garage to charge a fair fee for administrative fees, speedy dry, auto protection, notification fees, and labor on routine tows and routine truck or auto accidents and events that are in need of extended cleanup or extra work?

RESPONSE: This provision has been in previous towing contracts, and the services listed above, e.g., speedy dry, auto protection, etc., is included as part of the service charge. As set forth in the Response to Question No. 8, towing rates (service charges) have been increased effective August 1, 2022, which mitigates the cost impacts of those services. Also, as set forth in the Response to Question No. 8, an additional increase has recently been proposed.

15. QUESTION: Acceptance of AAA is mandatory; however, this is not guaranteed payment and garages are stuck with many non-paid AAA tows each year; the NJTP orders a garage to accept these, but does not guaranty payment. A credit card is guaranteed payment and this is appropriate to require, however, AAA does not pay for many tows throughout the year. They will not return calls or attempt to be fair and pay a garage for invoices that should have been paid when bills were submitted. It is also a costly endeavor for a garage to bill and administrate; also, the NJTP has chosen AAA only for this benefit and this is unfair. It is also unfair to make a garage accept this financial hardship of excessive administrative work and many unpaid tows each year. Will the NJTP fairly consider removing the mandate that we must accept AAA card for potential payment consideration?

RESPONSE: This provision is not being considered for removal. However, the Authority reserves the right to modify this requirement and cease acceptance of AAA for non-payment or other AAA-related issues that arise in the future.

16. QUESTION: Alternate destination tows are no longer considered a service that the NJTP should regulate, however, in paragraphs 14 and 17 of Section II of the Prequalification Application, it refers to required mileage charges and the bid towing rate to be itemized on the receipt. However, some garages prefer an hourly rate, which

could be a benefit to the patron in many cases. It also states that there will be a 3-strike rule and a garage may have their contract terminated if they violate this rule. However, the NJTP does not define this rule and leaves this open ended and nothing clearly outlined. Will the NJTP consider leaving this up to the towing company of how they will charge for services not under the jurisdiction of the NJTP?

RESPONSE: The tower is to charge fair and reasonable rates on Alternate Destination tows in accordance with the process set forth in paragraphs 14 and 17 at Section II of the Prequalification Application. The Authority believes the process outlined in those paragraphs protects the interest of both towing contractors and Authority patrons; hourly rates are not permitted because the time to travel to an Alternate Destination Tow may be manipulated whereas determination of mileage is objective and cannot be manipulated. If the Authority receives a complaint or, on its own review, finds that a charge appears to substantially deviate from the estimate provided to a patron prior to the Alternate Destination Tow, the tower will be notified. Towing contractors will have an opportunity to explain any discrepancy; however, a towing contractor who is found to have violated the requirements related to Alternate Destination Tows, as outlined in paragraphs 14 and 17, may have its contract terminated, within the discretion of the Authority, if more than three (3) violations are substantiated. Notwithstanding the foregoing, the Authority reserves the right to suspend or terminate a contract where the Authority determines, in its reasonable discretion, that such suspension or termination is necessary to protect its patrons.

17. QUESTION: Waiting time is permissible only with permission from the NJTP. This may not be possible as many tows happen at times when a NJTP official may not be available for a garage to gain permission needed from NJTP staff. If not, will

the Authority designate a waiting time point person to get permission at night or holidays? Will the Authority consider making this an allowable regulated fee to be charged when appropriate?

RESPONSE: While a charge for Waiting Time is “subject to review and approval of the Authority,” it does not require “pre-approval.” If a towing contractor responds to a tow and is delayed at the scene because of a State Police investigation, or while an injured or ill patron is being removed from a vehicle, those circumstances will be subject to independent documentation that such events (State Police investigation/extrication of injured or ill patron) occurred. NJTP personnel do not need to be on scene to personally document those events.

18. QUESTION: Only under extraordinary circumstances will additional time be allowed to be charged, and only charges for equipment can be charged hourly. In this paragraph it explicitly dis-allows any charges except for equipment fees. This should be changed or removed to include labor and required equipment as routine towing does not recognize forklifts added labor, tractors and relief trailers support etc.

Will the authority consider removing this or re-wording, so a garage can use labor, manpower, speedy dry and equipment as needed to alleviate the NJTP of any obstruction without the worry of violating this contradictory rule?

RESPONSE: No. Paragraph 21 of the Prequalification Application regarding “Extraordinary Circumstances” will not be modified but will control as described therein.

19. QUESTION: Written permission needed to drop a car off on private property, this is impossible and over burdensome to require us to gain written permission as we never know where a patron wants their vehicle to be towed. Will the NJTP consider removing this in its entirety?

RESPONSE: No. However, the tower should consider requesting that the patron indemnify the tower against the agreed-upon location for the alternate destination tow.

20. QUESTION: Cleanup is required by law; however, we are not allowed to charge, even in the extreme circumstance of a commercial vehicle being damaged and spilling fuel and fluids, we are required to clean at our expense yet cannot charge for this type of service. Will the NJTP consider removing this and allow a garage to charge a fair fee for cleanup?

RESPONSE: The requirements of the Prequalification Application on this issue will not be removed. See Response to Question 14 for addition information.

21. QUESTION: In the previous prequalification (dated 2013), applicants for the NJ Turnpike I95 Interchange (area of responsibility Rt. 46 to Northern Terminus), it has stated that “Due to ... the absence of a toll structure in SPL – I95, the five-mile requirement will be to any entrance ramp within the Zone.” Does this specification still apply?

RESPONSE: Yes, it still applies.

22. QUESTION: Routine Towing Services on the Turnpike: Applicant must have two (2) light duty flat beds (roll-back) with wheel lift (light-duty flatbed trucks with wheel lift may be used instead of light duty tow truck); two (2) light duty tow trucks with wheel lift; two (2) heavy-duty wreckers with wheel lift/minimum underreach (25,000 lbs. minimum capability); and one (1) Landoll type hydraulic trailer minimum 48 feet with tractor.

Routine Towing Services and Emergency Services on the Garden State Parkway: Applicant must have two (2) light duty flat beds (roll-back) with wheel lift, (light-duty flatbed trucks with wheel lift may be used instead of light duty tow truck), two

(2) light duty tow trucks with wheel lift; one (1) heavy-duty wrecker with wheel lift/minimum underreach (25,000 lbs. minimum capability); and one (1) Landoll type hydraulic trailer minimum 48 feet with tractor.

Are applicants able to utilize the same equipment if they prequalify for one zone on the Garden State Parkway, and one zone for the NJ Turnpike utilizing the same garage facility? For example, if a company has a grand total of 4 light duty tow trucks/flat beds that meet requirements; 1 heavy duty wrecker that meets requirements; and 1 Landoll that meets requirements, will they be able to prequalify for both zones they apply for on the Garden State Parkway and NJ Turnpike from the same garage facility?

Are applicants able to satisfy the prequalification requirements using the same equipment if they prequalify for one zone on the Garden State Parkway, and/or one zone for the NJ Turnpike from ONE garage facility, but uses that same equipment to prequalify for additional zones from a SECOND garage facility? For example, if a company already prequalifies for 1 zone on the Garden State Parkway and/or 1 Zone on the NJ turnpike from garage facility A, and applies for an additional zone(s) with garage facility B with using the same equipment from *garage facility A*, will they be disqualified from prequalification, even though they have enough equipment, but using that equipment to prequalify for both garage facilities they apply for?

RESPONSE: The two (2) Roadways – Garden State Parkway and New Jersey Turnpike are separate roadways with separate requirements and they cannot be combined. The established minimum number or obligatory equipment is required at each facility.

23. QUESTION: In the Alternate Tow destination stipulations, it states that we may not drop vehicles on public streets or public parking lots, without written consent of the owners of that property. This does not seem like a practical requirement, as it would be nearly impossible to gain written permission from a property owner within the duration of a breakdown/tow. For example, if a patron wishes to be towed to a further destination by their own towing company of request, and asks the NJTA contracted tower to take them to the nearest point of safety instead of back to our garage facility, the logistics for a tow truck driver to obtain written permission from a large parking lot owner (i.e. a grocery store or a mall) would be nearly impossible and create delays for all parties involved, especially the NJTA contracted towers getting to their next call. Would the Authority consider removing this requirement from the prequalification?

RESPONSE: See Response to Question 19.

24. QUESTION: Release hours – it has been the standard of the NJTA to require its towers to be open on Sundays to release vehicles. However, it is the industry standard for nearly all police towing in our region to be closed on Sundays and holidays, and open ½ day on Saturdays to release vehicles. Therefore, we must pay an additional salary every Sunday and holiday per year just so we can stay open solely for this contract to release vehicles. If we do need to release vehicles in case of an emergency situation, the Authority should allow us to charge for an after-hours release fee to send an employee down to our office, open up the yard, and release a vehicle. Further, please keep in mind that this stipulation also puts our employees' safety at risk when there is only one person in the office to release a vehicle after hours, rather than being open during normal business hours while a full staff including managers/supervisors are

present. Will the Authority consider changing its release hours by allowing its towers to be closed on Sunday's and holidays, and open ½ a business day on Saturdays?

RESPONSE: No. However, the NJTA will consider these provisions in a future rulemaking but remain as provided.

25. QUESTION: Subsection #14 in the routine towing requirements states that the Authority may mandate towers to maintain a computer or smartphone to utilize specific software for electronic billing, invoicing, dispatching, GPS and voice communications, and that this will be the sole responsibility of the successful bidder. Currently, many towers have already invested tens of thousands of dollars to implement these types of systems which we have researched and purchased to work for our individual business needs, especially now in 2022 when technology is more crucial than ever for our daily line work. Towers should not be forced to pay for yet another system which has already been implemented. Would the Authority consider removing this requirement from the prequalification?

RESPONSE: No. The tower incurs no cost from the software provided by the Authority.

26. QUESTION: Regarding TIM certification, if we already have drivers previously certified TIM, do they need to recertify? Should your TIM requirements have stated that drivers who do not currently have TIM certification need to be certified within one year after contract award?

RESPONSE: TIM certificates do not expire, so re-certification is not necessary if a tow vehicle driver already holds certification. However, as required by Paragraph 7 of Section II of the Prequalification Application, the tow vehicle driver must have held TIM certification for at least one year prior to contract award.

27. QUESTION: Regarding TIM certification and procedures, now that the Authority is requiring TIM Certification, does the Authority also intend to follow TIM protocol when it comes to incident response? The New Jersey Turnpike is one of the most dangerous highways to work on and your policies and supervisors do not currently follow TIM protocols. For example, giving towers a “LANE PLUS ONE” to help provide a safe work zone.

RESPONSE: The Lane Plus One model is guidance and is not a requirement. Although this recommendation provides obvious multiple benefits, it also introduces disadvantages with a loss of lane capacity subjecting the traffic stream to queueing and secondary crashes. The NJTA reserves the right through engineering judgment and/or available resources to not implement additional closings. All lane closing approvals are issued through the Office of the Director of Operations or his or her designee.

28. QUESTION: Regarding the questions that were submitted on or before August 23rd, 2022...on page 8 of the Pre-Qualification packet in all caps and bold and underlined it states that “ALL EMAILED QUESTIONS OR COMMENTS SUBMITTED BY THAT TIME WILL BE READ AT THE PRE-SUBMISSION CONFERENCE AND ADDRESSED AS APPROPRIATE” These questions were not read or addressed. Since those questions were not addressed at that time, the opportunity was lost to ask for clarification or to have a follow up question because the answers will not come until after September 6, 2022 and no answer will be entertained after September 6, 2022. Will the Authority consider extending the Submission date and allowing an additional question and answer period?

RESPONSE: Yes, Addendum No. 4 has extended Inquiry and submission dates to Thursday, December 15, 2022 (by 3:00 p.m. EST).

29. QUESTION: How does the NJTP intend to treat U-Turns on the roadways which are sometimes a necessity? **RESPONSE:** Assuming this question relates to E-ZPass charges, reimbursement will be provided for all verified EZ Pass charges in accordance with Section II, Paragraph 9 of the Prequalification Application.

30. QUESTION: We patrol the GSP on days that we are on the area incurring tolls. Obviously, there will not be aid number assigned to each toll. How will the NJTP treat those tolls?

RESPONSE: Special requests or accommodations by the Authority to have the tower station in a corridor will be approved by the Office of the Director of Operations or his or her designee. If this arrangement results in no Aid number, the Director of Operations can request an E-ZPass reimbursement on behalf of the tower.

31. QUESTION: Appendix J (Toll Reimbursement Form) is required to be filled out. Will the NJTP accept copies of our EZ Pass statements (which contains the same information requested) with the appropriate tolls highlighted and aid numbers added?

RESPONSE: Yes.

32. QUESTION: Will the NJTP reimburse towers the tolls for dry runs?

RESPONSE: The Authority will reimburse for any tolls on dry runs since there's an AID # and proof they were assigned the job. They need to submit their EZPass invoice with a corresponding AID # to obtain a 100% reimbursement.

33. QUESTION: Could you please clarify the EZ Pass procedures? Are we no longer going to have an allocated number of non-revenue passes? Will we have to submit for re-imbursement for every Aid and every truck that responds? How long will it take to be reimbursed? Is this really the best option, it seems that the process to log

every single vehicle on every single aid, especially when traditional routes are not taken (ex: u-turns, exiting through maintenance etc.) would be extremely time consuming and we are all already experiencing being short staffed.

RESPONSE: The procedures for reimbursement are covered in the Prequalification Application at Section II, Paragraph 9 and Appendix J. Additionally see Responses to Questions 5, 12 and 29. As to the timeframe for reimbursement the Authority anticipates that reimbursement will be provided monthly.

34. QUESTION: Regarding the EZ Pass, if the Authority is not going to be responsible for any violations for EZ Pass, how are you going to handle the violations we will receive when we do not enter and exit traditionally, including using authorized U-turns, exiting through maintenance areas, getting on and off the same exit, etc.?

RESPONSE: Concerning the U-Turns, the tower will not receive violations; their E-ZPass account will be charged the full price of the roadway toll. Towing contractors who comply with the requirements of the Prequalification Application, including providing an AID number along with the EZ Pass bill to permit the Authority to verify that the E-ZPass charge is related to performance of towing services, the towing contractor will receive 100% reimbursement. There are no more allocated passes and no trip amounts. The Prequalification Application requirements also mandate that the towing contractor's E-ZPass account must be kept up to date and proper maintenance of the account should be monitored. A valid credit card must be kept on file and any new license plates and vehicles should be added to the account to avoid unreimbursed charges or violations. As well, all vehicles should have property-mounted E-ZPass transponders. Finally, see Responses to Questions 5, 12, 29 and 33.

35. QUESTION: Why are we being required to provide 4-part receipts? This is an added expense. Additionally, why do we need to provide a 4-part receipt for “dry-runs” in which there is no information or patron to sign?

RESPONSE: Invoices should be 3 ply as done in the past on NCR paper. One copy for the patron, one for the tower, and one for the Authority.

All “Dry Runs” need to be accounted for and sent in monthly by the 15th of the subsequent month along with the rest of the invoices.

36. QUESTION: Regarding the Alternate Destination Tow. If this is no longer regulated by the Authority, why are we being asked to adhere to a “per mile” charge? Not all tows are calculated per mile. Depending on the location an hourly rate is more appropriate.

RESPONSE: See Response to Question 16.

37. QUESTION: Could you clarify the service charge allowed for “lock-outs” for each class of vehicle?

RESPONSE: Service charge on lockouts is charged by tow class, that is: Class 1- \$108, class 2- \$198, class 3- \$375.

38. QUESTION: Regarding TIM training...Many drivers have already completed TIM training. Are you requiring every driver to be recertified prior to within 1 year of contract award? How can we possibly determine when that date for contract award would be in order to comply?

RESPONSE: See Response to Question 26.

39. QUESTION: Regarding a maximum service charge per class, how can that apply when the towed miles to an exit exceeds 10 miles?

RESPONSE: Other than an Alternate Destination Tow, which is governed by Section II, Paragraphs 14 and 17, towers must utilize the exit designated for the Turnpike and for the Garden State Parkway, which would be within 10 miles of a disabled vehicle. See Section II, Paragraph 8. As to an Alternate Destination Tow, see Responses to Questions 16 and 36.

40. QUESTION: How is it that you have no charge for applying oil dry at an accident scene and will not allow to charge for the cleanup or disposal of the oil dry and debris? There is great cost to the tower to provide the product and the service and an additional expense to dispose of the product and debris. How can the service fee for an accident involving the latter be equal to that of just a mechanical tow with no clean up etc.? Is the Authority willing to dispose of the contaminated oil dry? Can debris from accidents be taken to the maintenance yards for the Authority to dispose? How can the towers be expected to provide this product and service with no compensation?

RESPONSE: The cleanup charge is part of the tow service charge. For heavy-duty wrecks, the towering contracts can charge for Speedy Dry, depending on the number of bags used. If an Authority Maintenance crew is on scene, they may assist with the cleanup and disposal of waste, otherwise it is the towing contractor's responsibility.

41. QUESTION: On page 25, Section, paragraph 4 (e), it states that Authority-authorized communication devices must be maintained in each vehicle. What are the "authorized" communication devices that we must obtain and maintain within 30 days of notice of award?

RESPONSE: As long as the communication device being used by the towing contractor allows their tow truck and the Turnpike dispatch center to clearly

communicate, and can electronically record those communications, that is all that is needed.

42. QUESTION: Can the Authority explain the insurance requirement increase of \$1,000,000? With the sky-rocketing cost of insurance to all towers this is another huge expense that seems quite unwarranted.

RESPONSE: The insurance requirements are set as a result of recommendations from the Authority's professional insurance consultant and risk manager, based on their expertise, experience, and economic and industry trends, to determine an appropriate level of coverage to protect the Authority's interests.

43. QUESTION: The issues involving Electric Vehicles are growing exponentially every day, including but [not] limited to their towability, the extreme fire hazard, the recommendation regarding storing the vehicles 75 ft from all other buildings and vehicles, etc. We highly recommend that the Authority look into addressing these issues now and consider that traditional policies may not apply to these vehicles.

RESPONSE: As experts in the industry, the Authority looks to the towing contractors to be up to date and aware of requirements or recommendations for dealing with electric vehicles. Towing contractors are encouraged to communicate with vehicle manufacturers for recommendations and to seek out courses offered regarding safety issues relating to towing and storage of electric vehicles.

44. QUESTION: We have three companies, two separate corporations. The three companies share equipment between one another via an access agreement. Between the two corporations we have over 40 pieces of equipment. We do this for tax reasons. We have always used one company to own the equipment, of which is shared by the two companies. Am I able to Bid using the two corporations to bid multiple areas

in multiple location using the same equipment which we qualify many times over based on the Authorities minimum requirements? Knowing that all the trucks are registered under one company. Via the access agreements that we currently have between our two corporations

RESPONSE: Each location is separate from their other locations, so yes, each must have their own equipment.

45. QUESTION: We are currently operating out of a qualified location. We have purchased a new location that we have already received zoning approvals for. We will be moving there in the middle of the contract process. So, my question is how to address it? I was going to put both addresses so as to have on record our new location.

RESPONSE: “Applicant should include both addresses and indicate when it will be moving to its new site. Applicant should provide the zoning approvals for its new site as well. The new site will require a site inspection to determine whether it complies with the prequalification application requirements. Note that if a Successful Bidder moves to new location during the term of their contract, the Successful Bidder must seek the Authority’s prior written approval to perform the services from a new facility address, all as described in Paragraph 22 of the Prequalification Application.”

46. QUESTION: If there are 2 contracts in 1 zone do we have to submit 2 applications if we are interested in both spots?

RESPONSE: If an Applicant has one garage facility in a Zone, it must only submit for prequalification of that garage facility. If an Applicant has two garage facilities within the same zone, it must submit an application for each garage facility. Note, however, that only one contract will be awarded in a Zone to a Successful Bidder.

47. QUESTION: What type of proof is needed from the bidders regarding the minimum towing experience on an interstate? This prequalification is located on page 21 under experience of applicants/personnel for services.

RESPONSE: The tower should demonstrate experience by a letter(s) of recommendation from an agency or law enforcement official or officials and copies of receipts established work performed.

48. QUESTION: Section II of the Prequalification Application indicates that the prequalification documents and any ensuing requests for bids are based on the Authority's recent amendments approving modest adjustments to towing and roadway services regulations set forth N.J.A.C. 19:9-3.1 and 3.2 that took effect on August 1, 2022. However, on August 23, 2022, the NJTA authorized further proposed amendments to the Authority's recently adopted amendments under N.J.A.C. 19:9-3.1 and 3.2 (Authority Agenda Item No.: 158-08-2022). The August 23, 2022, amendment proposal was apparently due, in part, to substantive comments the Authority received from both the GSTA and New Jersey Manufacturers Insurance ("NJM") during the prior public comment period for the rule amendments to N.J.A.C. 19:9-3.1 and 3.2 effective August 1, 2022.

According to the Authority's Summary of Public Comments to its amendments effective August 1, 2022, NJM took the position that the rates for certain heavy-duty towing and equipment services align with the New Jersey State Police rates negotiated with GSTA. (See Authority's Summary of Public Comment 2 and Response, dated June 28, 2022; 54 N.J.R. 1556(b)). Likewise, in the Authority's response to the GSTA's comment 1, the Authority acknowledged that "it intends to subsequently consider additional increases in line with existing market conditions, as well as some limited

downward adjustment to conform [sic] with established New Jersey State Police thresholds, at a future date.” (Id. at Authority’s Response to Public Comment 1).

This is of particular concern given the Authority’s description of further restrictions to any newly adopted rate changes under item “8” to Section II of the “Routine Towing Requirements.” The Authority should therefore reconsider the prequalification application process at this time, as the deadline to submit prequalification applications is set for September 20, 2022, well before the end of the 60-day public comment period and effective date of the Authority’s newly proposed rate amendments of August 23, 2022.

RESPONSE: See Addendum No. 4, which extended the submission date to December 15, 2022 (by 3:00 p.m. EST).

49. QUESTION: Given the above, the ongoing market uncertainty recognized by the Authority, including market volatility due from the 2022 Russian Federation invasion of Ukraine and record national inflation highs, and in light of the pending 60-day public comment period for the Authority’s most recently proposed rate amendments; why is the Authority requiring prospective towing contractors to submit Prequalification Applications by September 20, 2022?

RESPONSE: See Response to Question 48.

50. QUESTION: Through negotiations with the GSTA, the New Jersey State Police (NJSP) rates are set to increase. However, the primary reason for the Authority’s August 23, 2022, proposed amendments to the Towing and Road Service rates, are for the purposes of aligning with these very same NJSP rates. Since the prequalification process is for a future contract period that will include 2023 and beyond, why isn’t the current prequalification application process taking into consideration either the new

State Police thresholds applicable for 2023 or the Authority's August 23, 2022 proposed amendments?

RESPONSE: Given the issuance of Addendum No. 4 extending the submission date for the Prequalification Application, the Authority anticipates that the rule proposal initiated on August 23, 2022, will be concluded by the time the Authority is in a position to issue requests for bids to all towing contractors prequalified through this prequalification process.

51. QUESTION: Under items "2" and "17" of Section II, "Routine Towing Requirements," the Authority provides a general description of a new process for "Alternative Destination Tow rates," and reserves the right for the Authority to terminate a Successful Bidder's contract in the event more than three (3) Complaints are received against a Successful Bidder. Please provide clarification as to the Authority's investigation process and random review process referred to under item "17"?

RESPONSE: See Responses to Questions 16, 36 and 39.

52. QUESTION: There are situations in which contracts for several different zones are awarded to one Successful Bidder having different qualifying garage facilities in accordance with the distance requirements established by the Authority. Please confirm that reference to the "Successful Bidder's Garage Facility" within the first sentence of Paragraph "17" of Section II, "Routine Towing Requirements," refers to that "Successful Bidder's Garage Facility" for the applicable zone in which the Alternative Destination Tow originated.

RESPONSE: Yes, this is confirmed.

53. QUESTION: Please confirm if the Authority will establish a time-period for Alternative Destination Tow Charge Complaints the Authority receives and considers in

rendering decisions to terminate a contract with a Successful Bidder due to unreasonable, excessive or inaccurate Alternative Destination Tow Rates discussed under item “17” of Section II? And if the Authority intends to establish a time-period, please confirm the time-period.

RESPONSE: If more than three (3) substantiated complaints occur anytime "during the contract term, the Authority may terminate a contract, except that notwithstanding the foregoing, the Authority reserves the right to suspend or terminate a contract where the Authority determines, in its reasonable discretion, that such suspension or termination is necessary to protect its patrons.

54. QUESTION: Please confirm all facts, circumstances and information the Authority will consider in making an ultimate determination on whether the “actual total charge for an Alternative Destination Tow Charge is “unreasonable, excessive or inaccurate” and whether the “actual total charge” is “reasonably within the estimate given to the patron prior to rendering the Alternative Destination Tow services” as described in item “17” of Section II of the “Routine Towing Requirements”?

RESPONSE: The Authority believes that the Prequalification Application describes the facts and circumstances that will be reviewed in determining whether there is a substantiated violation of the Alternate Destination Tow requirements and refers towing contractors specifically to Paragraphs 14 and 17 of the Prequalification Application.

55. QUESTION: Please confirm if the Authority’s random review of a Successful Bidders Alternative Destination Tow Charges, as described in item “17” of Section II of the “Routine Towing Requirements,” will be used by the Authority as the sole basis for

terminating a contract with a Successful Bidder even if no complaints are ever received or verified by the Authority?

RESPONSE: Paragraphs 14 and 17 of the Prequalification Application describe the process and that substantiated complaints, whether initiated by a patron's complaint or by a random audit of the Authority, may form the basis for determining that a violation of the Alternate Destination Tow requirements have been violated.

56. QUESTION: Concerning Alternative Destination Tow charge complaints, please confirm that the Authority will only make a decision to terminate an existing contract with a Successful Bidder after the Authority first completes a full and thorough investigation of each Complaint, and makes a complete determination that each of the three (3) or more Complaints received establish the Successful Bidder imposed an Alternative Destination Tow charge that was unreasonable, excessive or inaccurate?

RESPONSE: See Responses to Questions Nos. 16, 53, 54 and 55. There is no benefit to the Authority or its patrons to terminate a towing contract without a basis.

57. QUESTION: Please confirm when a decision, review, and/or approval will be made by the Authority as to "Extraordinary Circumstances" referenced under item "21" of Section II of the "Routine Towing Requirements"?

RESPONSE: "Extraordinary Circumstances" is established by the Office of the Director of Operations or his or her designee.

58. QUESTION: Regarding item "24" of Section II of the "Routine Towing Requirements" please clarify whether the Authority will permit Successful Bidders to charge an after-hours release fee not to exceed \$75 per vehicle under circumstances unrelated to a "continued tow by another contractor after payment is made to the Garage Facility"?

RESPONSE: No.

59. QUESTION: Aside from the initial notification of the schedule of charges which is given to patrons at the time of a tow, there are several different additional notice requirements imposed on towers which the insurance industry, leasing companies and the commercial trucking industry require (see N.J.S.A. 39:10A-8 thru - 20 and N.J.A.C. 13:21-11A.1 thru 11A.9 for abandoned vehicles). Please confirm if the Authority will permit Successful Bidders to charge a Notification/Documentation Fees up to \$50 to defray these administrative costs and out-of-pocket expenses?

RESPONSE: No.

60. QUESTION: Please confirm if the Authority will permit Successful Bidders to charge a fee for tarping/shrink wrapping vehicles up to \$50 for Class 1 vehicles, \$90 for Class 2 vehicles and \$250 per truck/bus?

RESPONSE: No.

61. QUESTION: Please confirm if the Authority will permit Successful Bidders to impose an Administrative Charge for locating and giving access to a vehicle after the 3rd visit, at a rate up to \$50 per visit for Class 1 vehicles (this typically happens when the owner of the vehicle wants to remove items from the passenger cabin/trunk, the towing company will give access for free for the first three visits)?

RESPONSE: No.

62. QUESTION: Please confirm if the Authority will permit Successful Bidders to impose an Administrative Charge for locating and giving access to Class 2 medium and all heavy-duty vehicles, trucks and buses after the 3rd visit, at a rate of \$200?

RESPONSE: No.

63. QUESTION: Please confirm if the Authority will permit Successful Bidders to impose a charge for fuel/haz-mat cargo spills for out-of-pocket costs for materials and time expended for clean-up?

RESPONSE: No.

64. QUESTION: Please confirm if the Authority will permit Successful Bidders to impose a hazmat and trash recovery surcharge not to exceed of 10%?

RESPONSE: No.

65. QUESTION: Section II of the Prequalification Application indicates that the prequalification documents and any ensuing requests for bids are based on the Authority's recent amendments approving modest adjustments to towing and roadway services regulations set forth N.J.A.C. 19:9-3.1 and 3.2 that took effect on August 1, 2022. However, on August 23, 2022, the NJTA authorized further proposed amendments to the Authority's recently adopted amendments under N.J.A.C. 19:9-3.1 and 3.2 (Authority Agenda Item No.: 158-08-2022). The August 23, 2022, amendment proposal was apparently due, in part, to substantive comments the Authority received from both the GSTA and New Jersey Manufacturers Insurance ("NJM") during the prior public comment period for the rule amendments to N.J.A.C. 19:9-3.1 and 3.2 effective August 1, 2022.

According to the Authority's Summary of Public Comments to its amendments effective August 1, 2022, NJM took the position that the rates for certain heavy-duty towing and equipment services align with the New Jersey State Police rates negotiated with GSTA. (See Authority's Summary of Public Comment 2 and Response, dated June 28, 2022; 54 N.J.R. 1556(b)). Likewise, in the Authority's response to the GSTA's comment 1, the Authority acknowledged that "it intends to subsequently consider

additional increases in line with existing market conditions, as well as some limited downward adjustment to conform [sic] with established New Jersey State Police thresholds, at a future date.” (Id. at Authority’s Response to Public Comment 1).

This is of particular concern given the Authority’s description of further restrictions to any newly adopted rate changes under item “8” to Section II of the “Routine Towing Requirements.” The Authority should therefore reconsider the prequalification application process at this time, as the deadline to submit prequalification applications is set for September 20, 2022, well before the end of the 60-day public comment period and effective date of the Authority’s newly proposed rate amendments of August 23, 2022.

RESPONSE: See Response to Question No. 48.

66. QUESTION: Given the above, the ongoing market uncertainty recognized by the Authority, including market volatility due from the 2022 Russian Federation invasion of Ukraine and record national inflation highs, and in light of the pending 60-day public comment period for the Authority’s most recently proposed rate amendments; why is the Authority requiring prospective towing contractors to submit Prequalification Applications by September 20, 2022?

RESPONSE: See Response to Question No 48.

67. QUESTION: Through negotiations with the GSTA, the New Jersey State Police (NJSP) rates are set to increase. However, the primary reason for the Authority’s August 23, 2022, proposed amendments to the Towing and Road Service rates, are for the purposes of aligning with these very same NJSP rates. Since the prequalification process is for a future contract period that will include 2023 and beyond, why isn’t the

current prequalification application process taking this or the Authority's August 23, 2022, proposed amendments into consideration?

RESPONSE: See Response to Question No. 50.

68. QUESTION: Under item "7" of Section II, "Routine Towing Requirements," the language seems to require that all tow vehicle drivers of the Successful Bidder have a "Traffic Incident Management Training" ("TIM") certification that was issued within one (1) prior to the award of the contract. TIMs certification is a lifetime certification, many tow vehicle drivers were issued TIM certifications over a year ago. Please clarify if the intention of the Authority is to require drivers to complete the course and obtain a new TIMs certification prior to being able to provide services on the Turnpike or Parkway.

RESPONSE: See Response to Question 26.

69. QUESTION: Under item "9" of Section II, "Routine Towing Requirements," the Authority is imposing a requirement on Successful Bidders to maintain records of each E-ZPass toll for purposes of obtaining reimbursement from the Authority using specific forms prepared by the Authority. Aside from the sample at Appendix J, explain what the Authority means by "all documentation as may otherwise be reasonably requested by the Authority," and describe what documentation the Authority will require the Successful Bidder to provide?

RESPONSE: See Responses to Questions 5, 12, and 29 through 34.

70. QUESTION: Under item "13" of Section II, "Routine Towing Requirements," the Authority is requiring Successful Bidders to at all times honor valid AAA memberships. It takes months for AAA to reimburse towers for services rendered and many times requests for payment go ignored and unanswered. If the Authority is

providing preferential treatment to AAA, it should require AAA to abide by certain timelines to respond to requests for payment from towers.

RESPONSE: No response is required since no question is posed.

71. QUESTION: Under item “14” of Section II, “Routine Towing Requirements,” the Authority appears to intend to require Successful Bidders to utilize specific software for electronic billing, invoicing, dispatching, GPS and voice communications. The Authority should advise in writing before any bidding period begins what type of software, GPS and voice communication devices it intends to require, and the estimated costs of same. Accordingly, please provide a list of all software (including but not limited to billing, invoicing, and dispatching) GPS and voice communication devices, and the estimated costs for same which the Authority intends to require of Successful Bidders.

RESPONSE: See Response to Questions 25 and 41.

72. QUESTION: Under items “2” and “17” of Section II, “Routine Towing Requirements,” the Authority provides a general description of a new process for “Alternative Destination Tow rates,” and reserves the right for the Authority to terminate a Successful Bidder’s contract in the event more than three (3) Complaints are received against a Successful Bidder. Please provide clarification as to the Authority’s investigation process and random review process referred to under item “17”?

RESPONSE: See Response to Questions 16, 55 and 56.

73. QUESTION: There are situations in which contracts for several different zones are awarded to one Successful Bidder having different qualifying garage facilities in accordance with the distance requirements established by the Authority. Please confirm that reference to the “Successful Bidder’s Garage Facility” within the first sentence of item “17” of Section II, “Routine Towing Requirements,” refers to that

“Successful Bidder’s Garage Facility” for the applicable zone in which the Alternative Destination Tow originated.

RESPONSE: See Response to Question 52.

74. QUESTION: Please confirm if the Authority will establish a time-period for Alternative Destination Tow Charge Complaints the Authority receives and considers in rendering decisions to terminate a contract with a Successful Bidder due to unreasonable, excessive or inaccurate Alternative Destination Tow Rates discussed under item “17” of Section II? And if the Authority intends to establish a time-period, please confirm the time-period.

RESPONSE: See Response to Question 53.

75. QUESTION: Please confirm all facts, circumstances and information the Authority will consider in making an ultimate determination on whether the “actual total charge for an Alternative Destination Tow Charge is “unreasonable, excessive or inaccurate” and whether the “actual total charge” is “reasonably within the estimate given to the patron prior to rendering the Alternative Destination Tow services” as described in item “17” of Section II of the “Routine Towing Requirements”?

RESPONSE: See Response to Question 54.

76. QUESTION: Please confirm if the Authority’s random review of a Successful Bidders Alternative Destination Tow Charges, as described in item “17” of Section II of the “Routine Towing Requirements,” will be used by the Authority as the sole basis for terminating a contract with a Successful Bidder even if no complaints are ever received or verified by the Authority?

RESPONSE: See Response to Question 55.

77. QUESTION: Concerning Alternative Destination Tow charge complaints, please confirm that the Authority will only make a decision to terminate an existing contract with a Successful Bidder after the Authority first completes a full and thorough investigation of each Complaint, and makes a complete determination that each of the three (3) or more Complaints received establish the Successful Bidder imposed an Alternative Destination Tow charge that was unreasonable, excessive or inaccurate?

RESPONSE: See Response to Question 56.

78. QUESTION: Questions have come up as to what circumstances constitute “Extraordinary Circumstances,” as referenced under items “21” and “26” of Section II of the “Routine Towing Requirements.” The phrase “Extraordinary Circumstances” is undefined and items “21” and “26” provide different circumstances for what may constitute “Extraordinary Circumstances” and therefore creates further ambiguity. Please provide a clear and specific definition of what the Authority constitutes “Extraordinary Circumstances.”

RESPONSE: See Responses to Questions 18 and 57.

79. QUESTION: Please confirm the period of time in which the Authority will render decision as to its subsequent “review and approval” as to when contracted tower’s charge for services that constituted “Extraordinary Circumstances” referenced under items “21” and “26” of Section II of the “Routine Towing Requirements”?

RESPONSE: See Response to Question 57.

80. QUESTION: Regarding item “24” of Section II of the “Routine Towing Requirements” please clarify whether the Authority will permit Successful Bidders to charge an after-hours release fee?

RESPONSE: See Response to Question 58.

81. QUESTION: Regarding item “24” of Section II of the “Routine Towing Requirements,” please confirm whether or not the Authority will permit Successful Bidders to charge an after-hours release fee not to exceed \$75 per vehicle under circumstances in which the Garage Facility remains open on the days and times set forth in item 24, and the fee is unrelated to a “continued tow by another contractor after payment is made to the Garage Facility”?

RESPONSE: No.

82. QUESTION: Regarding item “24” of Section II of the “Routine Towing Requirements” The Authority is requiring all Successful Bidders to have facilities remain open on Sundays between 9 a.m. and 12:00 p.m., while at the same time restricting Successful Bidders from recouping overhead and overtime costs and expense for providing this service. The Authority should allow Successful Bidders the ability to recoup these costs by allow for an increased fee on Sundays or an after-hours release fee as set forth in further detail above.

RESPONSE: No.

83. QUESTION: Aside from the initial notification of the schedule of charges which is given to patrons at the time of a tow, there are several different additional notice requirements imposed on towers which the insurance industry, leasing companies and the commercial trucking industry require (see N.J.S.A. 39:10A-8 thru - 20 and N.J.A.C. 13:21-11A.1 thru 11A.9 for abandoned vehicles). Please confirm if the Authority will permit Successful Bidders to charge a Notification/Documentation Fees up to \$50 to defray these administrative costs and out-of-pocket expenses?

RESPONSE: See Response to Question 59.

84. QUESTION: Please confirm if the Authority will permit Successful Bidders to charge a fee for tarping/shrink wrapping vehicles up to \$50 for Class 1 vehicles, \$90 for Class 2 vehicles and \$250 per truck/bus?

RESPONSE: See Response to Question 60.

85. QUESTION: Please confirm if the Authority will permit Successful Bidders to impose an Administrative Charge for locating and giving access to a vehicle after the 3rd visit, at a rate up to \$50 per visit for Class 1 vehicles (this typically happens when the owner of the vehicle wants to remove items from the passenger cabin/trunk, the towing company will give access for free for the first three visits)?

RESPONSE: See Response to Question 61.

86. QUESTION: Please confirm if the Authority will permit Successful Bidders to impose an Administrative Charge for locating and giving access to Class 2 medium and all heavy-duty vehicles, trucks and buses after the 3rd visit, at a rate of \$200?

RESPONSE: See Response to Question 62.

87. QUESTION: Please confirm if the Authority will permit Successful Bidders to impose a charge for fuel/haz-mat cargo spills for out-of-pocket costs for materials and time expended for clean-up?

RESPONSE: See Response to Question 63.

88. QUESTION: Please confirm if the Authority will permit Successful Bidders to impose a hazmat and trash recovery surcharge not to exceed of 10%

RESPONSE: See Response to Question 64.

89. QUESTION: There appears to be different contract period terms. Please confirm the anticipated contract term is for a 3-year period or 5-year period.

RESPONSE: The term of any contract awarded shall be five (5) years with an option for two (2) one-year extensions, at the sole discretion of the Authority, as set forth on Page 3 of the Prequalification Application and Paragraph 3 of the Draft Agreement at Exhibit H to the Prequalification Application.

90. QUESTION: Section III "Please specify location dates and nature of experience with other entities". It states after we list them to provide contracts for the entities, however we do not receive contracts we fill out the application annually. Would just the contact person for each police department suffice?

RESPONSE: See Response to Question 47.