

the decision of the Executive Director within 45 days of said decision.

(d) A decision rendered pursuant to (c) above shall be final and conclusive, unless any person adversely affected by the decision commences an action in court.

(e) In the event of a timely protest under (a) above, the Authority shall not proceed further with the application for, or with the award of, the license to cross in issue until the decision is rendered pursuant to (c) above.

New Rule, R.1991 d.224, effective May 6, 1991.

See: 23 N.J.R. 3324(a), 23 N.J.R. 1454(a).

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Recodified from N.J.A.C. 19:9-2.10 by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Former N.J.A.C. 19:9-2.11, License to cross fee schedule, recodified to N.J.A.C. 19:9-2.10.

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

In (b), deleted "Authority's" preceding "Executive"; and in (c), substituted the first occurrence of "Director" for "Directors".

19:9-2.12 Procedures to resolve protested solicitations and awards

(a) Any actual or prospective bidder, offeror or contractor who is aggrieved in connection with the solicitation or award of a contract or its prequalification status or classification may protest to the Authority. The protest shall be submitted in writing within five business days after such aggrieved person knows or should have known of the facts giving rise thereto. Failure to file a timely protest shall bar any further action. The written protest shall set forth in detail the facts upon which the protestant bases its protest.

(b) Upon the filing of a timely protest, the Executive Director or his or her designee shall have the authority to conduct a hearing, to settle and resolve a protest of an aggrieved bidder, offeror or contractor concerning the solicitation or award of a contract or its prequalification status or classification, with the Executive Director retaining authority for the final decision of the Authority. This authority shall be exercised in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(c) If the protest is not resolved by mutual agreement, the Executive Director shall promptly issue a decision in writing. The decision shall state the determination made and reasons for the action taken. The decision shall be mailed or furnished promptly to the protestant and any other interested party.

(d) A decision under (c) above shall be final and conclusive, unless any person adversely affected by the decision commences an action in court.

(e) In the event of a timely protest under (a) above, the Authority shall not proceed further with the solicitation, or with the award of the contract until the decision is rendered under (c) above, or until the Executive Director after

consultation with the Director of Purchasing or Chief Engineer makes a written determination that the continued solicitation or award of the contract without delay is necessary to protect the interest of the Authority or the public.

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Amended by R.1998 d.492, effective October 5, 1998.

See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

In (b), inserted "or his or her designee" following "Director" and "with the Executive Director retaining authority for the final decision of the Authority" at the end of the first sentence.

Recodified from N.J.A.C. 19:9-2.8 and amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Former N.J.A.C. 19:9-2.12, Procedure for prequalification and award of contracts for architectural, engineering and land surveying services, recodified to N.J.A.C. 19:9-2.8.

Administrative correction.

See: 37 N.J.R. 1085(a).

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

In (b), deleted "Authority's" preceding the first occurrence of "Executive"; and in (e), substituted "Director of Purchasing" for "Directory of Administrative Services and Technology".

19:9-2.13 Procurement of routine towing services and emergency services on the Roadway

(a) All contracts between the Authority and qualified service providers for towing services on the Turnpike (that is, routine towing services and storage services) and for towing and emergency services on the Parkway (that is, routine towing services, storage services and road services) entered into after June 15, 2004 shall be procured pursuant to the procedures and regulations promulgated under this section. Contracts for such towing services and/or towing and emergency services that were entered into prior to June 15, 2004 shall remain in effect in accordance with the terms thereof.

(b) The objective of these regulations is to establish procedures for the award of contracts for rotational towing services on the Turnpike and towing and emergency services on the Parkway utilizing a competitive bid process open to prequalified bidders. Contracts shall be awarded to the lowest responsible bidders as determined pursuant to applicable law, including, but not limited to, these regulations, and the specific requirements contained in all Requests for Bids (RFB) issued by the Authority, from time to time. In issuing an RFB, the Director of Purchasing is empowered to procure up to three rotational towers per service provider location (Zone) on the Turnpike and up to two rotational towers per Zone on the Parkway, or such other number as may be required in any RFB. It is the Authority's intent to solicit bids, as and when needed, for specific Zones along the Turnpike and the Parkway. In the case of the Turnpike, the Zones shall be established between specific interchanges, and in the case of the Parkway, the Zones shall be established between specific mileposts, all as more specifically set forth in the RFB.

(c) Only bids submitted by towing services and/or towing and emergency services providers who have first been

qualified by the Authority pursuant to a prequalification process shall be considered. At the discretion of the Director of Purchasing, the prequalification process may be accomplished through a combined Request for Qualifications/Request for Bids process or by a separate process preceding the issuance of an RFB. Upon award of a contract to the successful bidder(s), the standards governing prequalification shall be of continuing force and effect for the duration of such contract. The failure to maintain the standards of prequalification during the term of any contract awarded to a successful bidder shall be deemed a material breach of the contract.

(d) The criteria to be used by the Authority in determining prequalification shall include the following, the specific requirements of which shall be set forth in the RFB: reliability, experience, response time, acceptance of credit cards and prepaid towing contracts; equipment; location and condition of storage facilities, including, but not limited to, security safeguards for patrons and for towed and stored vehicles; liability and other insurance coverage; safeguards to protect the personal safety of customers, including, but not limited to, considerations related to the criminal background of employees; and such other factors as the Authority may deem relevant and which shall be specified in the RFB. In recognition of the differences between the physical characteristics (for example, number of access and exit ramps) and operational aspects (for example, classes of permitted vehicles) on the Turnpike and the Parkway, the Director of Purchasing may establish different specific criteria for prequalification of service providers on the Turnpike and for prequalification of service providers on the Parkway.

(e) A towing services and/or towing and emergency services provider deemed qualified by the Authority shall thereafter be entitled to submit a bid in response to the RFB for which such provider has prequalified. Each RFB issued by the Authority shall prescribe specific requirements for the towing services and/or towing and emergency services being procured, which may include, at the discretion of the Authority, fixed fees for certain services, and which shall include a provision mandating that towing services and/or towing and emergency services providers shall not charge patrons any fees for towing services and/or towing and emergency services other than those applicable fees that are expressly set forth in N.J.A.C. 19:9-3.1 and 3.2.

(f) The provisions of N.J.A.C. 19:9-2.1, 2.4 and 2.2(c)6, shall be applicable to procurements for towing services on the Turnpike and towing and emergency services on the Parkway unless such provisions are inconsistent with the provisions of this section, in which event the provisions of this subchapter shall govern. In addition, N.J.A.C. 19:9-2.2 and 2.12 shall be applicable to procurements for towing services on the Turnpike and towing and emergency services on the Parkway, except that all functions ascribed therein to the "Chief Engineer or Director of Maintenance" shall be performed by

the Director of Purchasing in the case of routine towing and emergency services procurements only.

Special New Rule, R.2004 d.269, effective June 15, 2004 (to expire January 9, 2005).

See: 36 N.J.R. 3431(a).

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

In (f), updated the N.J.A.C. references.

Administrative correction.

See: 37 N.J.R. 1085(a).

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

Section was "Procurement of routine towing services and emergency services on the New Jersey Turnpike and Garden State Parkway". In (a), (b) and (d), deleted "New Jersey" preceding "Turnpike" and "Garden State" preceding "Parkway" throughout; in (b) and (d), inserted "; and not limited to,"; and rewrote (f).

SUBCHAPTER 3. FEES

19:9-3.1 Towing rates on the Turnpike and the Parkway

(a) Towing rates charged by Authority-authorized companies on the Roadway, pursuant to contracts entered into after June 15, 2004 shall not exceed the following rates or such rates as may be approved and amended by the members of the Authority from time to time in accordance with P.L. 2003, c.79 (N.J.S.A. 27:23-42b(7)) or with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the rules on agency rulemaking, N.J.A.C. 1:30:

1. Class 1 Vehicles (under 6,999 pounds registered gross vehicle weight (GVW) for the purpose of towing rates only):

- i. Service charge of \$60.00; plus
- ii. \$2.00 per mile on the Roadway up to a maximum, including the service charge, of \$80.00.

2. Other classes of vehicles (7,000 pounds and over registered GVW):

- i. Service charge of \$100.00 for straight truck (up to 14,999 pounds gross vehicle weight), car with trailer, or trailer without car and \$250.00 for tractor trailer or bus (15,000 pounds or more registered gross vehicle weight); plus
- ii. \$3.00 per mile on the Roadway, up to a maximum, including the service charge, of \$130.00 for straight truck, car with trailer, or trailer without car and \$5.00 per mile for tractor trailer or bus, up to a maximum, including the service charge, of \$300.00; plus
- iii. An additional charge of \$25.00 for connecting air lines and \$25.00 for connecting lights;
- iv. An additional charge of \$45.00 for disconnecting drive shaft on all trucks;

- v. An additional charge of \$40.00 per axle for removing an axle; and
- vi. Additional charge of \$45.00 for removing an air scoop.

3. Winching and wrecking (all classes of vehicles):

- i. \$60.00 per hour for a light wrecker; and
- ii. \$100.00 per hour for a heavy wrecker.

4. Extra heavy duty towing and recovery services, which shall mean when used in this section, the immediate, coordinated, professional response by authorized extra heavy duty towing and recovery service contractors to incidents that have occurred on the Roadway, causing or having the potential to cause serious and lengthy disruption to Roadway operations, specifically, the normal flow of traffic, as determined in the sole discretion of the Authority. These incidents include, but are not limited to, large overturned commercial vehicles such as trucks, buses or spillage of products that require the use of special heavy duty recovery equipment and expertise to resolve. Extra heavy duty towing and recovery service contractors must provide service under critical time restraints and work under severe pressure in an effort to return the Roadway to normal operating conditions. Recovery equipment must be operated in a team response and coordinated effort, providing the utmost safety and care in the actual operation, which will include, but not be limited to, winching, uprighting of overturned commercial vehicles, towing and expeditious removal of all vehicles, as well as the expeditious removal of cargo and debris from the affected Roadway. The Authority-authorized extra heavy duty towing and recovery services contractor shall be solely responsible for the removal of all such vehicles, cargo and debris.

- i. Rates for the following extra heavy duty towing and recovery services, chargeable in one-half hour increments by Authority-authorized extra heavy duty towing and recovery services contractors, shall not exceed the following amounts:

Equipment:	
Heavy duty wreckers	\$250.00 per hour
Landoll w/tractor	\$250.00 per hour
Relief box trailer	\$250.00 per hour
60-ton rotator	\$450.00 per hour
50-ton construction crane	\$450.00 per hour
Light duty flatbed	\$60.00 per hour
Light duty tow truck with wheel lift	\$60.00 per hour
Relief refrigerated tractor trailer	\$300.00 per hour
Tractor only	\$200.00 per hour
Heavy duty flatbed	\$250.00 per hour
Service truck	\$250.00 per hour
Front end loader (two-yard minimum bucket)	\$250.00 per hour

Bob cat/skid steer	\$250.00 per hour
Fork lift (5,000 pounds minimum capacity)	\$250.00 per hour
Backhoe	\$250.00 per hour
Dump truck	\$250.00 per hour
Dump trailer w/tractor	\$250.00 per hour
Roll off container (40-yard) + disposal fee	\$250.00 per hour
Light tower (two-light minimum)	\$150.00 per hour
Pallet jacks	\$200.00 flat fee
Rollers (Off Load)	\$200.00 flat fee
Labor:	
Supervisor (Wreck Master)	\$150.00 per hour
Tech Labor (Driver, Rigger)	\$100.00 per hour
Manual Labor	\$75.00 per hour

5. Specialized equipment:

- i. \$250.00 per hour for specialized equipment, including, but not limited to, Landoll hydraulic trailer with tractor or Oshkosh box trailer with tractor.
- ii. \$450.00 per hour for Rotator 60-ton capacity and up, and for 50 ton construction crane.

(b) Storage rates charged by Authority-authorized companies pursuant to contracts entered into after June 15, 2004 shall not exceed the following rates or such rates as may be approved and amended by the members of the Authority from time to time in accordance with P.L. 2003, c.79 (N.J.S.A. 27:23-42b(7)) or with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the rules on agency rule-making, N.J.A.C. 1:30:

- 1. Cars: First 24 hours free; \$25.00 per day thereafter.
- 2. Vehicles up to 14,999 pounds GVW: First 24 hours free; \$75.00 per day thereafter.
- 3. Vehicles over 14,999 pounds GVW:
 - i. All except buses: First 24 hours free; \$75.00 per unit per day thereafter;
 - ii. Buses: First 24 hours free; \$150.00 per day thereafter.

R.1975 d.221, effective August 1, 1975.
 See: 7 N.J.R. 351(a), 7 N.J.R. 447(c).
 As amended, R.1981 d.37, effective February 4, 1981.
 See: 13 N.J.R. 49(b), 13 N.J.R. 165(c).
 Substantially amended.
 Amended by R.1993 d.496, effective October 4, 1993.
 See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).
 Amended by R.1997 d.491, effective November 17, 1997.
 See: 29 N.J.R. 4078(a), 29 N.J.R. 4861(b).
 Deleted (a)Iv and (a)Ivi; inserted (a)4; and recodified (a)3iv as (a)4i.
 Special amendment, R.2004 d.269, effective June 15, 2004 (to expire January 9, 2005).
 See: 36 N.J.R. 3431(a).
 Rewrote the section.

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

In the introductory paragraph of (a), substituted "the Roadway" for "Turnpike and Garden State Parkway" and "members of the Authority" for "Commissioners"; in the introductory paragraph of (a)1, inserted "for the purpose of towing rates only"; in (a)1ii and (a)2ii, substituted "service" for "Service" throughout; in (a)1ii, substituted "Roadway" for "Turnpike and the Garden State Parkway"; in (a)2ii, substituted "the Roadway" for "Turnpike and the Garden State Parkway"; added new (a)4; recodified former (a)4 as (a)5; in (a)5i, substituted "hydraulic trailer" for "Hydraulic Trailer", "or" for a comma following the first occurrence of "tractor", deleted a comma following "Oshkosh" and deleted "and driver" following the second occurrence of "tractor"; and in the introductory paragraph of (b), substituted "members of the Authority" for "Commissioners".

19:9-3.2 Road services rates on the Roadway

(a) Road service rates on the Turnpike for Class 1 vehicles charged by Authority-authorized service companies pursuant to contracts entered into after June 15, 2004 shall conform with the following rates or such rates as may be approved and amended by the members of the Authority from time to time in accordance with P.L. 2003, c.79 (N.J.S.A. 27:23-42b(7)) or with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the rules on agency rulemaking, N.J.A.C. 1:30:

1. Road service charge: \$30.00;
2. Motor fuel/oil: Cost of product plus road service charge;
3. Tire change: Road service charge;
4. Tire repair/replacement: Cost of product plus road service charge;
5. Battery service: Road service charge;
6. Water: Road service charge; and
7. Tire repair/replacement services for trucks and buses: The service charge to be charged by a contractor shall not exceed \$125.00. The maximum hourly labor rate shall not exceed \$75.00 per hour. The only charges that a contractor may charge a patron are: the service charge bid by the contractor; if applicable, the hourly labor rate bid by the contractor multiplied by the actual time spent by the contractor at the scene, beyond the initial one-half hour, in repairing/replacing tires and/or rims; if applicable, an additional tire service charge of \$25.00 for each additional tire change beyond the first tire change; and the retail price of any supplied tires or rims and any other related equipment supplied. No other charges are permitted. The terms "contractor," "service charge," "hourly labor rate" and "additional tire service charge" are defined terms that shall have the meanings set forth in the procurement documents issued by the Authority from time to time for tire repair/replacement services for trucks and buses.

(b) Road service rates on the Parkway for Class 1 vehicles charged by Authority-authorized towing and emergency service providers pursuant to contracts entered into after June 15, 2004 shall conform with the following rates or such rates as may be approved and amended by the members of the

Authority from time to time in accordance with P.L. 2003, c.79 (N.J.S.A. 27:23-42b(7)) or with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the rules on agency rulemaking, N.J.A.C. 1:30:

1. Road service charge: \$30.00;
2. Motor fuel/oil: Cost of product plus road service charge;
3. Tire change: Road service charge;
4. Tire repair/replacement: Cost of product plus road service charge;
5. Battery service: Road service charge;
6. Water: Road service charge; and
7. Tire repair/replacement services for trucks and buses: The service charge to be charged by a contractor shall not exceed \$125.00. The maximum hourly labor rate shall not exceed \$75.00 per hour. The only charges that a contractor may charge a patron are: the service charge bid by the contractor; if applicable, the hourly labor rate bid by the contractor multiplied by the actual time spent by the contractor at the scene, beyond the initial one-half hour, in repairing/replacing tires and/or rims; if applicable, an additional tire service charge of \$25.00 for each additional tire change beyond the first tire change; and the retail price of any supplied tires or rims and any other related equipment supplied. No other charges are permitted. The terms "contractor," "service charge," "hourly labor rate" and "additional tire service charge" are defined terms that shall have the meanings set forth in the procurement documents issued by the Authority from time to time for tire repair/replacement services for trucks and buses.

New Rule, R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Special amendment, R.2004 d.269, effective June 15, 2004 (to expire January 9, 2005).

See: 36 N.J.R. 3431(a).

In (a), rewrote the introductory paragraph and substituted "Motor fuel/oil" for "Gasoline/diesel" in 2; added (b).

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

Section was "Road service rates on the Turnpike and Parkway". In the introductory paragraphs of (a) and of (b), substituted "members of the Authority" for "Commissioners"; in (a)5 and (b)5, deleted "and" from the end; in (a)6 and (b)6, substituted ";" and " for a period at the end; and added (a)7 and (b)7.

19:9-3.3 Questions and disputes

Questions and disputes concerning the rates or quality of towing or road service provided by Authority-authorized companies on the Roadway may be directed, in writing, to the Director of Law.

New Rule, R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Special amendment, R.2004 d.269, effective June 15, 2004 (to expire January 9, 2005).

See: 36 N.J.R. 3431(a).