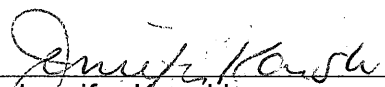


**CERTIFICATION
OF
NEW JERSEY TURNPIKE AUTHORITY**

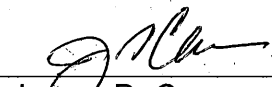
I, James D. Carone, hereby certify that I am the Executive Director of the New Jersey Turnpike Authority and as such, certify that the attached copy of PROCEEDINGS OF THE NEW JERSEY TURNPIKE AUTHORITY is a true and correct copy of the Minutes of the June 25, 2024 Meeting of the Authority.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the official seal of the New Jersey Turnpike Authority **this 25th day of June, 2024.**

ATTEST:



Jennifer Kanski
Secretary to the Authority



James D. Carone
Executive Director

Corporate Seal

Date: June 25, 2024

Received in the Governor's Office June 25, 2024

Received by:

Print Name

Signature

Veto Period Ends:

July 10, 2024
(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

AARON J. CREUZ
DEPUTY CHIEF COUNSEL

TO: Jennifer Kanski kanski@njta.com
FROM: Jesse Marie Kirkham, Authorities Unit, Office of the Governor
DATE: June 25, 2024
RE: New Jersey Turnpike Authority Minutes

This email is confirmation that the Authorities Unit received the minutes from the June 25, 2024 board meeting on June 25, 2024. The calculated veto date is July 10, 2024.

Thank you.

Attachment

cc: Jessica O'Connor



State of New Jersey

OFFICE OF THE GOVERNOR

P.O. Box 001

TRENTON, NJ 08625-0001

PHILIP D. MURPHY
Governor

June 25, 2024

Via: Electronic mail

Francis K. O'Connor, Chairman
New Jersey Turnpike Authority
1 Turnpike Plaza
PO Box 5042
Woodbridge, New Jersey 07095-5042

Dear Chairman O'Connor:

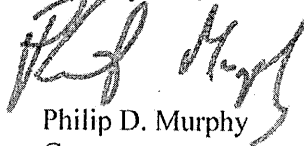
In accordance with the provisions of the New Jersey Turnpike Authority Act, N.J.S.A. 27:23-1 *et seq.* (the "Act"), including specifically N.J.S.A. 27:23-3(F), and all other applicable law, I hereby approve that portion of the minutes of the June 25, 2024, Board meeting of the New Jersey Turnpike Authority (the "Authority") relating solely to the following resolutions adopted at the Authority's Board meeting:

1. Authorization to Approve the Proposal for Substantial Changes Upon Adoption - N.J.A.C. 19:9.
2. Authorization to Enter into a Direct Agreement, by and among New Jersey Turnpike Authority, New Jersey Transit, Treasurer of the State of New Jersey, Gateway Development Commission (GDC), and U.S. Department of Transportation, related to the Railroad Rehabilitation and Improvement Financing (RRIF) Loan to GDC for Construction of the Hudson Tunnel Project

I specifically reserve my right to veto any and all other actions taken by the Authority at its meeting on June 25, 2024.

For purposes of the Act and all applicable law, this letter shall immediately be in full force and effect.

My very best,


Philip D. Murphy
Governor

c. James Carone, Executive Director

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

Tuesday, June 25, 2024

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Chair O'Connor 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 9:03 a.m.

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Pledge of Allegiance

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PRESENT

Present were Chair Francis O'Connor, Vice Chair Ulises Diaz, Treasurer Michael DuPont, Commissioner Ronald Gravino, Commissioner Raphael Salermo, Commissioner Francisco Maldonado and Commissioner John Wisniewski. The meeting commenced at 9:03 a.m.

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ALSO PRESENT

Executive Director James Carone, Deputy Executive Director Donna Wilser, Deputy Chief Engineer, Construction, now Acting Chief Engineer, Daniel Hesslein, Chief Information Officer Jose Dios, Director of Law Thomas Holl, Director of Human Resources Mary-Elizabeth Garrity, Director of Operations Kevin Dunn, Director of Procurement and Materials Management Janet Rzepka, Director of Tolls John Labella, Director of Community and Government Relations Shawn Taylor, Deputy Director of Internal Audit David Forktus, New Jersey State Police Major Michael Krzyzkowski, Troop D and Secretary to the Authority Jennifer Kanski.

Also present were: Outside Counsel, Judy Verrone, Esq. of DeCotiis, FitzPatrick, Cole & Giblin, LLP, Governors' Authorities Unit Representative Jessica O'Connor and Deputy DOT Commissioner Joseph Bertoni (absent).

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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. Information and instructions regarding telephonic access to the meetings by the public has been posted on the Authority's website.

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

1. Vice Chair Diaz
2. Treasurer DuPont
3. Commissioner Gravino
4. Commissioner Salerno
5. Commissioner Maldonado
6. Commissioner Wisniewski
7. Chair O'Connor

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EXECUTIVE SESSION

A motion to enter into Executive Session, not open to the public in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-12(b), to discuss matters pertaining to:

- Collective Bargaining

The motion was made by Treasurer DuPont and seconded by Commissioner Salerno and, after the voice vote, the motion was duly adopted by the Board of Commissioners of the New Jersey Turnpike Authority.

Executive Session was adjourned at 9:23 a.m. A motion was made by Commissioner Salerno and seconded by Commissioner Gravino to resume the public portion of the meeting at 9:27 a.m.

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

1. Vice Chair Diaz
2. Treasurer DuPont
3. Commissioner Gravino
4. Commissioner Salerno
5. Commissioner Maldonado
6. Commissioner Wisniewski
7. Chair O'Connor

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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 minutes of the regular meeting of May 21, 2024; he did not exercise his power to veto any items in those minutes.

Upon motion made by Commissioner Maldonado seconded by Commissioner Salerno the minutes of the meeting was approved.

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RECUSALS

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

- Commissioner Maldonado is recused on Agenda Item Nos. 137, 141, 142, 152, 153 and 155
- Commissioner Wisniewski recused himself on Agenda Item No. 139

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PUBLIC COMMENT (in Person)

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Barry Kushnir, Local 194

Mr. Kushnir thanked Director of Tolls La Bella and Assistant Director Hunsinger for working with Local 194 members on their quick response and actions to any air conditioning related issues in our toll booths due to the heatwave as well as Deputy Director Schaeffer and Maintenance Budget Analyst Mammano for their assistance on the Maintenance/Operations side. Mr. Kushnir stated he attended last month, in Bayonne, a presentation regarding the Hudson Bay project and Mr. Kushnir was overwhelmed by the community support, particularly from Mayor Jimmy Davis, who gave a resounding speech in support of the project. Mr. Kushnir further stated that there were many associates from the labor movement that attended and showed their support. Mr. Kushnir stated he is looking forward to the July 9, 2024 event in Jersey City when more people will come out to support this critical project.

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PUBLIC COMMENT (remote by tele-conference)

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Britton Fullwood

Ms. Fullwood thanked the Authority for always doing a great job and expressed her support of the Authority as well as her support for New Jersey State Troopers for their assistance in a recent emergency situation.

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Emmanuelle Morgan

Ms. Morgan stated she is the Executive Director of Hudson County Complete Streets and a Jersey City resident and asked the Authority to listen to what her local and state electeds are saying and to put a halt on the Turnpike Expansion project. Ms. Morgan stated with the extreme heat of the last few days, the increasing severe weather occurrences and the climate change is a result of, in part, of 40% emissions coming from the transportation sector and Ms. Morgan said that we all need to do our part to help mitigate climate change and that includes the Authority studying transit and rail alternatives prior to any highway widenings and any and all new construction projects must include studies for climate and sustainable alternatives.

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EXECUTIVE DIRECTOR COMMENTS

Executive Director Carone recognized Ann Christine Monica who is on her way to retirement and stated she has worked at the Authority over 36 years. First, as a Staff Attorney, then moving onto Assistant Director of Law, then followed by Deputy Director of Law and has also been Acting Director of Law at times. Executive Director Carone stated she has worked on extremely confidential and significant procurements and Engineering contracts and has been heavily involved in, from the very beginning, with the Authority's E-ZPass contracts and has also acted as the Hearing Officer on various appeals. Executive Director Carone wished Ms. Monica the best of luck and thanked her for all her contributions at the New Jersey Turnpike Authority.

Executive Director Carone welcomed our new Director of Law, Thomas Holl, who was our former GAU representative over the past few years and stated he looks forward to all his assistance he will provide to the Authority.

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CHAIR'S COMMENTS

Chair O'Connor welcomed our new GAU representative, Jessica O'Connor.

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HUMAN RESOURCES

Director of Human Resources Mary-Elizabeth Garrity requested approval of Agenda Item No. 2024-06-134. Moved is the item as follows:

2024-06-134

Director of Human Resources Mary-Elizabeth Garrity submitted the Personnel Agenda, dated June 25, 2024, and requested confirmation of the personnel matters contained therein. The Executive Director certified the recommendations for consideration.

* * *

2024-06-134

On motion by Treasurer DuPont and seconded by Commissioner Wisniewski 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.

ROLL CALL

DIAZ	DuPONT	GRAVINO	SALERMO	MALDONADO	WISNIEWSKI	O'CONNOR
YES	YES	YES	YES	YES	YES	YES

ooo0ooo

LAW

Director of Law Thomas Holl, requested approval of Agenda Item Nos. 2024-06-135 and 2024-06-136. Moved are the items as follows:

2024-06-135

In a memorandum dated June 6, 2024, Authorization to Approve the Proposal for Substantial Changes Upon Adoption N.J.A.C. 19:9, was approved.

N.J.A.C. Title 19, Chapter 9 sets forth the regulations governing the operations of the Authority. In accordance with N.J.S.A. 52:14B-5.1b, N.J.A.C. Title 19, Chapter 9 will expire on February 20, 2025. This agenda item seeks authorization to approve the proposal with substantial changes upon adoption in order to clarify and update the regulations in line with the Authority's current practices, and to promulgate regulations required by recent legislation.

The regulatory proposal recommended by Authority staff is attached hereto and includes a summary of the proposed changes. The proposal will also be published on the Authority's website,

www.njta.com. It is recommended that the attached proposal be published by the Office of Administrative Law in the New Jersey Register for notice and comment.

Accordingly, it is requested that the Board of Commissioners approve the attached proposal with substantial changes of N.J.A.C. 19:9 for publication in the New Jersey Register for notice and comment. It is further recommended that the Commissioners authorize the Executive Director to execute any such documents and take any such other actions as are deemed necessary to effectuate the intent of this authorization, including the review of public comments, if any, and any appropriate replies thereto.

Following the public comment period, the Executive Director is empowered, pursuant to N.J.A.C. 19:9-6.5, to file such rulemaking proposal with the Office of Administrative Law for final adoption if the Executive Director determines, after review, consideration, and reply to such comments, that it is appropriate to adopt the proposal as proposed without any material changes.

[Notice of Proposed Substantial Changes Attached to these Minutes]

2024-06-136

In a memorandum dated May 10, 2024, Authorization to Settle Formal Workers' Compensation Matter – Carl Paglione v. New Jersey Turnpike Authority, Budget Code: 10-870-405070, Amount: \$109,260.00, was approved.

Petitioner Carl Paglione was a Turnpike Division Maintenance Person, hired in May 1990 and retired with a PERS Service Retirement effective July 1, 2022. This settlement request will resolve a formal Claim Petition filed in 2020.

The petitioner is represented by the Law Offices of George T. Kotch, PC located in Mt. Holly NJ. The Authority is defended by Special Counsel Claire Y. Ringel, Esq. of Capehart & Scatchard, PA located in Mt. Laurel Township NJ. The matter is venued in the district office of Mt. Holly Workers' Compensation Court before the Honorable Judge R. Louis Gallagher.

The total settlement award is \$109,260.00.

The Law Department has reviewed this matter and agrees with the recommendation of the Special Counsel, the Authority's third-party workers' compensation administrator and the Authority's Benefits Manager. Authorization is, therefore, requested to allow Special Counsel to settle this matter for the sum of **\$109,260.00.**

This settlement will be payable under Account No. 10-870-405070.

* * *

2024-06-135
2024-06-136

On motion by Commissioner Gravino and seconded by Commissioner Wisniewski, the Board unanimously approved Agenda Item Nos. 2024-06-135 and 2024-06-136; and authorized and ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

ROLL CALL

DIAZ	DuPONT	GRAVINO	SALERMO	MALDONADO	WISNIEWSKI	O'CONNOR
YES	YES	YES	YES	YES	YES	YES

ooo0ooo

ENGINEERING

Deputy Chief Engineer, Construction, now Acting Chief Engineer Daniel Hesslein requested approval of item numbers 2024-06-137 through 2024-06-140. Moved are the items as follows:

ooo0ooo

PUBLIC BID SOLICITATIONS – AWARD OF CONTRACTS

2024-06-137

In a document dated May 21, 2024, Recommendation to Award Contract No. T200.617, New Jersey Turnpike, HBC Company Inc., Roadway Lighting Improvements, Turnpike Northern and Southern Mixing Bowls, Mileposts 115.9 to 117.7 and 105.3 to 106.6, R-186629, Budget Code: 5000040000, Amount: \$17,947,517.10, was approved.

This contract will provide roadway lighting improvements at the Turnpike Northern and Southern Mixing Bowls, Mileposts 115.9 to 117.7 and 105.3 to 106.6. The work includes the removal of existing Turnpike-owned roadway lighting systems and the installation of a multiple phase power distribution system with LED luminaires, including new conduit (where existing cannot be reused) and wiring. In addition to downed light pole replacements, new light poles are proposed for this project in areas where it is feasible to extend the lighting zones. All work is expected to be substantially completed by March 24, 2026.

Four bid proposals were received on May 9, 2024 for the above publicly advertised contract, as shown on the attached bid summary sheet. The low bid proposal in the amount of \$17,947,517.10 may be compared to the Engineer's Estimate in the amount of \$19,627,292.76. The low bidder, HBC Company Inc. has performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T200.617 be awarded to the low bidder, HBC Company Inc. of Lodi, New Jersey, in the amount of \$17,947,517.10. Bids for this work were procured, and the authorization being sought is to award this fair and open 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.

* * *

2024-06-137

On motion by Treasurer DuPont and seconded by Vice Chair Diaz, the Board unanimously approved Agenda Item No. 2024-06-137; and authorized and ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

ROLL CALL

DIAZ	DuPONT	GRAVINO	SALERMO	MALDONADO	WISNIEWSKI	O'CONNOR
YES	YES	YES	YES	RECUSED	YES	YES

ooo0ooo

ORDER FOR PROFESSIONAL SERVICES (OPS)

2024-06-138

In a document dated June 3, 2024, **Recommendation to Issue Order for Professional Services No. T3876, New Jersey Turnpike, Jacobs Engineering Group Inc., Supervision of Construction Services for Contract No. T200.617, Roadway Lighting Improvements, Turnpike Northern and Southern Mixing Bowls, Mileposts 115.9 to 117.7 and 105.3 to 106.6, R-186631, Budget Code: 5000040000, Amount: \$2,300,000.00,** was approved.

This Order for Professional Services will provide supervision of construction services for Contract No. T200.617, Roadway Lighting Improvements, Northern and Southern Mixing Bowls, Mileposts 115.9 to 117.7 and 105.3 to 106.6. 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 "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 fifty-six (56) engineering firms were prequalified and eligible under Profile Codes: B151, Construction Management and B153, Roadway Construction Inspection. Five firms submitted EOIs by the closing date of March 27, 2024.

The scoring of the EOIs by the Review Committee resulted in the following order of ranking: 1) AECOM Technical Services, Inc.; 2) APTIM Environmental & Infrastructure, LLC; and 3) Jacobs Engineering Group Inc. On May 6, 2024, Technical and sealed Fee Proposals were received from the top three firms. The Review Committee reviewed and evaluated each firm's Technical Proposals and it was determined that oral presentations would not be required. The final scoring resulted in Jacobs Engineering Group Inc. being the highest technically ranked firm. The fee submitted by Jacobs Engineering Group 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. T3876 be issued to the firm of Jacobs Engineering Group Inc. of Morristown, New Jersey, in an amount not to exceed \$2,300,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.30 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. These professional services were procured by a fair and open process, 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).

2024-06-139

In a document dated June 5, 2024, **Recommendation to Issue Order for Professional Services No. P4194, Garden State Parkway, Boswell Engineering, Design Services for Contract No. P200.808, Shoulder Erosion Improvements, Milepost 154 to 156, R-186660, Budget Code: 5000030003, Amount: \$1,190,000.00,** was approved.

This Order for Professional Services will provide final design services and preparation of construction contract documents to improve the Parkway Southbound median from Milepost 154 to 156, which is experiencing extensive erosion resulting in drop-offs along the left shoulder. The proposed improvements include a wider shoulder and drainage modifications.

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 forty-five (45) engineering firms were prequalified and eligible under Profile Code A250, Fully Controlled Access Highways. Five firms submitted EOIs by the closing date of April 18, 2024.

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) Boswell Engineering; 2) Gannett Fleming, Inc.; and 3) NV5, Inc. The fee submitted by Boswell Engineering has been reviewed, negotiated, and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. P4194 be issued to the firm of Boswell Engineering of South Hackensack, New Jersey, in an amount not to exceed \$1,190,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.69 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. These professional services were procured by a fair and open process, 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).

2024-06-140

In a document dated June 4, 2024, **Recommendation to Issue Order for Professional Services No. T4231, New Jersey Turnpike, SJH Engineering, P.C., Assessment and Programming Improvements, At Various Toll Utility Buildings on the New Jersey Turnpike, R-186633, Budget Code: 0390012021, Amount: \$1,445,000.00,** was approved.

This Order for Professional Services will provide assessment and programming of various toll utility buildings located on the Turnpike roadway. These services include the preparation of reports, site evaluations, and other services required to ensure compliance with the project scope of work.

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 twenty-one (21) engineering firms were prequalified and eligible under Profile Codes: A060,

Architecture: New Buildings and A061, Architecture: Renovations. Two firms submitted EOIs by the closing date of May 6, 2024.

The scoring of EOIs by the Review Committee resulted in the following order of ranking of the two firms: 1) SJH Engineering, P.C. and 2) H2M Associates, Inc. The two firms were requested to submit sealed Fee Proposals, which were received and have been reviewed. The fee submitted by SJH Engineering, P.C. 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. T4231 be issued to the firm of SJH Engineering, P.C. of Princeton, New Jersey, in an amount not to exceed \$1,445,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.45 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. These professional services were procured by a fair and open process, 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).

2024-06-138
2024-06-140

On motion by Treasurer DuPont and seconded by Commissioner Wisniewski, the Board unanimously approved Agenda Item Nos. 2024-06-138 and 2024-06-140; and authorized and ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

ROLL CALL

DIAZ	DuPONT	GRAVINO	SALERMO	MALDONADO	WISNIEWSKI	O'CONNOR
YES	YES	YES	YES	YES	YES	YES

2024-06-139

On motion by Treasurer DuPont and seconded by Commissioner Maldonado, the Board approved Agenda Item No. 2024-06-139; and authorized and ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

ROLL CALL

DIAZ	DuPONT	GRAVINO	SALERMO	MALDONADO	WISNIEWSKI	O'CONNOR
YES	YES	YES	YES	YES	RECUSED	YES

Deputy Chief Engineer, Construction now Acting Chief Engineer Daniel Hesslein requested approval of item number 2024-06-141. Moved is the item as follows:

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FINAL ACCEPTANCES

2024-06-141

In a document dated June 17, 2024, 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 includes 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
P200.764	Stavola Contracting Co., Inc.	\$944,572.69	1	(\$16,318.63)	\$928,254.06	\$69,271.42
Total						\$69,271.42

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 Contractor has certified that there are no liens outstanding against the Contractor. Accordingly, it is recommended that the contract listed above be accepted and final payment in the amount shown above be made to the Contractor.

2024-06-141

On motion by Commissioner Wisniewski and seconded by Treasurer DuPont, the Board approved Agenda Item No. 2024-06-141; and authorized and ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

ROLL CALL

DIAZ	DuPONT	GRAVINO	SALERMO	MALDONADO	WISNIEWSKI	O'CONNOR
YES	YES	YES	YES	RECUSED	YES	YES

**ACKNOWLEDGE REPORTS OF
ENGINEERING EXPENDITURES UNDER DELEGATED AUTHORITY**

2024-06-142

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

- Construction Contract Progress Summary
- Change Order Summary

2024-06-142

The Authority accepted the reports contained in agenda item number 2024-06-142 and received same for file.

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PROCUREMENT AND MATERIALS MANAGEMENT ("PMM")

Director of PMM Janet Rzepka requested approval of Agenda Item Nos. 2024-06-143 through 2024-06-150. Moved are the items as follows:

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PUBLIC BIDS

2024-06-143

In a document dated May 30, 2024, **Liquid Deicing Materials, Innovative Municipal Products (US) Inc., RM-186108 (Operations/Inventory), Budget Code: 010 01/02 900 426020, Amount: \$109,200.00,** was approved.

Authorization is requested to award a contract to Innovative Municipal Products (US) Inc. to supply approximately 62,000 gallons of liquid deicing materials required for the clearing of ice and snow on both Roadways when the temperature falls below freezing. Bidders were required to quote unit prices per gallon. The bid was divided into six zones to adequately supply both Roadways. Bidders could quote prices on any or all zones. The bid was fully advertised, and the five (5) vendors listed in the Authority's database for this material were notified of the procurement. On May 29, 2024, a sole bid was received as follows (unit prices are available from the PMM Department):

<u>Vendor</u>	<u>Total Bid Price</u>
Innovative Municipal Products (US) Inc.	\$109,200.00

Departmental Estimate: \$90,000.00 per year.

Bids for this contract were procured, and the authorization being sought is to award this fair and open 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).

Accordingly, authorization is requested to award a one-year contract to Innovative Municipal Products (US) Inc. for liquid deicing material for a total amount not to exceed \$109,200.00. Authorization is further requested for the Executive Director to approve each of the two (2) one-year extensions upon satisfactory performance by the vendor.

2024-06-144

In a document dated June 7, 2024, **Removal and Disposal of Liquid Hazardous & Non-Hazardous Waste Material, Miller Environmental Group, Inc., RM-185527 (Engineering), Budget Code: 010 00 850 446050, Amount: \$590,450.00,** was approved.

Authorization is requested to award a contract for the removal and disposal of liquid hazardous and non-hazardous waste materials. Bidders were required to bid a price per gallon for two classifications of liquid waste, which included ground water extraction of approximately 705,000 gallons of gasoline/water mixtures (waste flammable liquid), as well as 5,000 gallons of oil/diesel water mixtures (Class D recyclable material). Bidders were also required to bid an hourly rate for labor charges for both regular and emergency services. The bid was fully advertised, and the seven (7) vendors listed in the Authority's database for this service were notified of the procurement. On June 5, 2024, four (4) bids were received as follows (unit prices are available from the PMM Department):

Vendor

Total Bid Price

Miller Environmental Group, Inc., Calverton, NY	\$590,450.00
ACV Environmental Services, Inc., Avenel, NJ	\$745,300.00
Clean Harbors Environmental Services, Inc., Norwell, MA	\$820,900.00
Aarco Environmental Services Corp., Lindenhurst, NY	\$927,850.00

Departmental Estimate \$748,000.00.

Bids for this contract were procured, and the authorization being sought is to award this fair and open 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).

Accordingly, authorization is requested to award a one-year contract to Miller Environmental Group, Inc. for removal and disposal of liquid hazardous & non-hazardous waste materials for a total amount not to exceed \$590,450.00. Authorization is further requested for the Executive Director to approve each of the two (2) one-year extensions upon satisfactory performance by the vendor.

2024-06-145

In a document dated May 30, 2024, Three-Year Purchase Option, was approved.

The Authority previously awarded a contract to the vendor listed herein for the referenced equipment. The contract included a 3-year option to purchase additional equipment which conform to the original specifications for that model year and two additional model years. There was no price change from the original procurement in March of 2024.

Original Award Date and Item No.	Description	Vendor Name	Requisition/ Budget Code	Total Amount	% Model Year Increase/ Decrease
March 22, 2024 Purchase Order No. 193870 R-184224	Axis Service Area Cameras	SecCon Consulting	R-186774 (Information Technology Services) 049 00 830 156555 0490052015	\$386,331.20	0%

Bids for this contract were procured, and the authorization being sought is to award this fair and open 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).

Accordingly, authorization is requested to exercise this contract option to purchase the equipment listed herein, for a total amount not to exceed \$386,331.20.

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STATE/GOVERNMENT CONTRACTS

2024-06-146

In a document dated May 30, 2024, Trailer Mounted Generator (1), Warshauer Generators, LLC, R-186554 (Operations), Budget Code: 049 00 500 156555 0490016028, State Contract No. T-2732/21-GNSV1-01587 expiring 09/30/2024, Amount: \$267,815.00, was approved.

Under this contract, Warshauer Generators, LLC will provide one (1) trailer-mounted generator including delivery, start-up, and training. This mobile, stand-by generator will be used by the Maintenance Division of the Operations Department to provide supplemental electrical service in the Authority's Toll Plazas and Service Areas in the event of a power outage. The trailer-mounted generator is available from NJ State Contract T-2732/21-GNSV1-01587 expiring 09/30/2024.

This procurement, under State Contract No. T-2732/21-GNSV1-01587, 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. T-2732/21-GNSV1-01587 for a trailer-mounted generator to Warshauer Generators, LLC. for a total amount not to exceed \$267,815.00.

2024-06-147

In a document dated June 6, 2024, Volvo Cabs and Chassis (10), Gabrielli Truck Sales, R-187219 (Operations), Budget Code: 049 00 500 156555 0490016032 (\$1,033,710.00), 049 00 500 156555 0490016022 (\$ 689,140.00), State Contract No. T-2809/56827 expiring 01/29/2025, Amount: \$1,722,850.00, was approved.

Authorization is requested to award a contract to Gabrielli Truck Sales for ten (10) Volvo Cabs and Chassis for use by the Operations/Maintenance Department during snow removal. These vehicles are replacing existing older models that have reached their life expectancy and will be sold as surplus, if feasible. They are available under State Contract No. T-2809/56827 expiring 01/29/2025.

This procurement, under State Contract No. T-2809/56827, 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. T-2809/56827 for ten (10) Volvo Cabs and Chassis to Gabrielli Truck Sales for a total amount not to exceed \$1,722,850.00.

2024-06-148

In a document dated May 30, 2024, Data Backup Storage Expansion, Dell Marketing, LP, R-186497 (Information Technology Services), Budget Code: 400 00 830 156555 4000052004, State Contract No. M-0483/24-TELE-71883 expiring 06/30/2025, Amount: \$757,620.97, was approved.

Authorization is requested to award a contract to Dell Marketing, LP for additional data backup storage at three (3) Authority locations. The current storage system used to store Authority data is nearing capacity. This contract will add new nodes to the existing systems resulting in increased storage

for at least one (1) year and will improve system performance as well. This service is available under State Contract No. M-0483/24-TELE-71883 expiring 06/30/2025.

This procurement, under State Contract M-0483/24-TELE-71883, 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. M-0483/24-TELE-71883 for a data backup storage expansion to Dell Marketing, LP in an amount not to exceed \$757,620.97.

2024-06-149

In a document dated May 30, 2024, **Human Capital Management System Review, The North Highland Company, R-186966 (Information Technology Services), Budget Code: 049 00 830 156555 040C00058, State Contract No. T-2599/78005 expiring 07/26/2024, Amount: \$412,500.00,** was approved.

Authorization is requested to award a contract to The North Highland Company for a five (5) phase review of the Authority's existing Human Capital Management ("HCM") System. The Authority is seeking to modernize the HCM platform, enhancing the services, improving capabilities and functionality to meet modern day requirements. This service is available under State Contract No. T-2599/78005 expiring 07/26/2024.

This procurement, under State Contract T-2599/78005, 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. T-2599/78005 for a Human Capital Management System Review to The North Highland Company in an amount not to exceed \$412,500.00.

2024-06-150

In a document dated May 30, 2024, **State Contract Modifications,** was approved.

At a prior Board of Commissioners meeting, the Authority approved a purchase (up to a maximum authorized dollar amount) from the vendor listed herein under the New Jersey State contract referenced below. The terms of the referenced State contract have since been extended and additional funds are needed to purchase these necessary goods and/or services through the extended terms of the State contract.

The original procurement, under the State contracts, were 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, given that the period of time during which the Authority may make additional purchases under the referenced State Contract was extended through the new expiration dates of these contracts, approval is hereby requested to increase the Authority's current authorized amount to the new authorized amount stated in the attached chart, subject to funding availability at the time of order.

Description / Original Agenda Item or Award Date and Req #	Vendor Name	Requisition Number	NJTA Contract No.	NJ State Contract No. Expiration	Current Authorized Amount	New Authorized Amount	Requested Increase Amount
Parts and Repairs of Road Maintenance Equipment 12-9-2022 RM-175987	Trius, Inc.	RM-186437 Inventory/ Operations	1987	T-2188/85856 expiring 11/29/2024	\$150,000.00	\$210,000.00	\$60,000.00
Plumbing, Heating, and HVAC Supplies 279-11-2023 RM-182747	Atlantic Procurement Group, LLC	RM-186732 Inventory/ Operations	3303	T-3027/22-FOOD-53265 expiring 10/01/2026	\$95,000.00	\$245,000.00	\$150,000.00
Total							\$210,000.00

2024-06-143
2024-06-144
2024-06-145
2024-06-146
2024-06-147
2024-06-148
2024-06-149
2024-06-150

On motion by Treasurer DuPont and seconded by Commissioner Salerno the Board unanimously approved item numbers 2024-06-143 through 2024-06-150; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

ROLL CALL

DIAZ DuPONT GRAVINO SALERMO MALDONADO WISNIEWSKI O'CONNOR
YES YES YES YES YES YES YES

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GENERAL BUSINESS

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OPERATIONS

Director of Operations Kevin Dunn requested acceptance of Agenda Item No. 2024-06-151.
Moved is the item as follows:

2024-06-151

Director of Operations Kevin Dunn requested acceptance of Volumes and Crash Synopses for the Garden State Parkway and New Jersey Turnpike: Period 01/01/2024 through 5/31/2024; with 2022-2023 Yearly Comparisons through May 2024, was approved.

2024-06-151

On motion by Vice Chair Diaz and seconded by Commissioner Salerno, the Board unanimously accepted Agenda Item No. 2024-06-151; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

Director of Operations Kevin Dunn requested approval of item numbers 2024-06-152 through 2024-06-154. Moved are the items as follows:

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PUBLIC BID SOLICITATIONS – AWARD OF CONTRACTS

2024-04-152

In a document dated June 5, 2024, **Recommendation to Award Contract No. T200.762, New Jersey Turnpike, Zone Striping, Inc., Bridge Line Striping Installation and Maintenance on the New Jersey Turnpike, Essex and Hudson Counties, RM-187008, Budget Code: 0390028008, Amount: \$857,333.77,** was approved.

This contract involves the installation of all-weather pavement markings on New Jersey Turnpike Structure E107.88 & E109.02, mile posts E107.2 - E109.1 in Essex and Hudson Counties. All work is expected to be substantially completed by November 2024.

Two bid proposals were received on May 23, 2024 for the above publicly advertised contract, as shown on the attached bid summary sheet. The low bid proposal, in the amount of \$857,333.77, may be compared to the second low bidder in the amount of \$1,889,400.00. The low bid proposal was significantly lower, 28.3%, than the Engineer's Estimate in the amount of \$1,195,000.00 and is 54.6% below the second lowest bidder. Zone Striping, Inc. has performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T200.762 be awarded to the low bidder, Zone Striping, Inc., of Glassboro, New Jersey in the amount of \$857,333.77. Bids for this work were procured, and the authorization being sought is to award this fair and open 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.

2024-04-153

In a document dated June 5, 2024, **Recommendation to Award Contract No. T200.824, New Jersey Turnpike, Creamer Ruberton, A Joint Venture, Maintenance and Repair of Roadside Safety Features and Signs Structures on the New Jersey Turnpike, in Bergen, Burlington, Camden, Essex, Gloucester, Hudson, Mercer, Middlesex, Salem and Union Counties, RM-186994, Budget Code: 010-500-461030, Amount: \$10,464,532.00,** was approved.

This contract consists of furnishing the required labor, equipment, and materials, on an on-call basis, necessary to maintain and repair roadside features and signs along the New Jersey Turnpike. The maintenance and repairs will be as directed by the Director of Operations for a term of 18 months, with 2, 1-year options to renew.

One (1) bid proposal was received on May 8, 2024 for the above publicly advertised contract, as shown on the attached bid summary sheet. The lowest bid proposal, submitted by Creamer Ruberton, A Joint Venture, in the amount of \$10,464,532.00, meets all the terms and conditions and may be compared to the Engineer's Estimate in the amount of \$11,921,730.00. Creamer Ruberton, A Joint Venture, has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T200.824 be awarded to the low bidder, Creamer Ruberton, A Joint Venture, Hackensack, New Jersey in the amount of \$10,464,532.00. Bids for this work were procured, and the authorization being sought is to award this fair and open 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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2024-06-152
2024-06-153

On motion by Commissioner Gravino and seconded by Treasurer DuPont, the Board unanimously approved Agenda Item Nos. 2024-06-152 and 2024-06-153; and authorized and ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

ROLL CALL

DIAZ	DuPONT	GRAVINO	SALERMO	MALDONADO	WISNIEWSKI	O'CONNOR
YES	YES	YES	YES	RECUSED	YES	YES

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ORDER FOR PROFESSIONAL SERVICES (OPS)

2024-06-154

In a document dated June 5, 2024, **Recommendation to Issue Supplement B to Order for Professional Services No. A3788, New Jersey Turnpike & Garden State Parkway, Stantec Consulting Services, Inc., Operation and Maintenance of Water and Wastewater Systems and On-Call Design and Construction Management Services for Water and Wastewater Systems, RM-187015, Budget Code: Various Funds, Original OPS Amount: \$7,633,000.00, Amount of Supplement A: \$1,230,000.00, Amount of Supplement B: \$1,257,600.00, Revised OPS Amount: \$10,120,600.00,** was approved.

This Order for Professional Services was issued at the June 23, 2020 Commission Meeting, in the amount of \$7,633,000.00. Supplement A was issued at the June 27, 2023 Commission Meeting, in the amount of \$1,230,000.00, increasing the total value of the OPS to \$8,863,000.00, and extending the term of the agreement by 1 year. The services include two components of work. The first component includes the operation and maintenance of Authority-owned water and wastewater facilities and associated equipment. There are 55 locations along the Turnpike and Parkway that require these

services, including toll plazas, service areas, state police facilities, and maintenance districts. The second component includes on-call design and construction management services as deemed necessary by the Authority to upgrade water and wastewater facilities on an as-needed basis.

Supplement B will provide for a 1-year extension of time for extended operation and maintenance, design, and construction management services. The original term of Stantec's agreement was for a three-year period expiring July 4, 2023, with an option for two (2), one (1) year extensions. Supplement B will also increase the contract ceiling, as the operation and maintenance portion of the contract has reached its current approved ceiling.

It is, therefore, recommended that Supplement B to Order for Professional Services No. A3788 be issued to Stantec Consulting Services, Inc. not to exceed the amount of \$1,257,600.00 which is allocated as follows: \$1,257,600.00 for year 5, which is July 2024 through June 2025. The addition of this amount increases the total authorized fee from \$8,863,000.00 to \$10,120,600.00. The original contract was procured in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006).

* * *

2024-06-154

On motion by Commissioner Salerno and seconded by Commissioner Gravino, the Board unanimously approved Agenda Item No. 2024-06-154; and authorized and ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

ROLL CALL

DIAZ	DuPONT	GRAVINO	SALERMO	MALDONADO	WISNIEWSKI	O'CONNOR
YES	YES	YES	YES	YES	YES	YES

Director of Operations Kevin Dunn requested approval of item number 2024-06-155. Moved is the item as follows:

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FINAL ACCEPTANCES

2024-06-155

In a document dated June 5, 2024, All work performed on the construction contract listed below has been completed in accordance with the contract documents and to the satisfaction of the Operations Department. Accordingly, it is recommended that this contract be deemed complete and approved for Final Acceptance. The table below includes 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	Number of Change Orders	Additions/ Reductions	Final Total Contract Amount	Final Payment Amount
A200.528	Mount Construction Co., Inc.	\$6,000,000.00	3	\$791,977.99	\$6,791,977.99	\$135,839.55
Total						\$135,839.55

The Certification and Recommendation for Final Acceptance has been executed by the Engineers, the General Consultant and the Director of Operations. 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 Contractor has certified that there are no liens outstanding against the Contractor. Accordingly, it is recommended that the contract listed above be accepted and final payment in the amounts shown above be made to the Contractor.

* * *

2024-06-155

On motion by Commissioner Wisniewski and seconded by Commissioner Salerno, the Board approved Agenda Item No. 2024-06-155; and authorized and ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

ROLL CALL

DIAZ	DuPONT	GRAVINO	SALERMO	MALDONADO	WISNIEWSKI	O'CONNOR
YES	YES	YES	YES	RECUSED	YES	YES

Major Michael Krzyzkowski requested acceptance of Agenda Item No. 2024-06-156. Moved is the item as follows:

2024-06-156

Major Michael Krzyzkowski requested acceptance of the New Jersey State Police Troop D Activity Reports for May 2024, with 2023– 2024 Yearly Comparisons.

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2024-06-156

On motion by Commissioner Gravino and seconded by Vice Chair Diaz, the Board unanimously accepted the reports contained in Agenda Item No. 2024-06-156 and received same for file.

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FINANCE

Executive Director James Carone requested acceptance of Agenda Item No. 2024-06-157. Moved is the item as follows:

2024-06-157

Executive Director Carone presented the Financial Summary for the Five (5) months ended May 31, 2024, was accepted.

* * *

2024-06-157

On motion by Treasurer DuPont and seconded by Commissioner Maldonado, the Board unanimously accepted Agenda Item No. 2024-06-157; and authorized and ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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EXECUTIVE

Executive Director James Carone requested approval of Agenda Item Nos. 2024-06-158 and 2024-06-159. Moved is the item as follows:

2024-06-158

In a memorandum dated June 25, 2024, Authorization to Enter into a Direct Agreement, by and among New Jersey Turnpike Authority, New Jersey Transit, Treasurer of the State of New Jersey, Gateway Development Commission (GDC), and U.S. Department of Transportation, Related to the Railroad Rehabilitation and Improvement Financing (RRIF) Loan to GDC for Construction of the Hudson Tunnel Project, was approved.

The Gateway Development Commission ("GDC") is responsible for the planning, designing, financing, development and management of the Hudson Tunnel Project ("HTP"). In addition to a federal grant, GDC will finance construction of the HTP through a Railroad Rehabilitation and Improvement Financing ("RRIF") Loan to be issued by the United States Department of Transportation (the "RRIF Lender"). All costs related to the HTP will be shared by Port Authority of New York and New Jersey and the States of New York and New Jersey.

In accordance with the Board of Commissioners' approval of Agenda Item No. 285-12-2022 at its December 20, 2022 meeting, the New Jersey Turnpike Authority ("NJTA") and the State Treasurer entered into an Amended and Restated State Public Transportation Projects Funding Agreement for New Jersey ("NJTA-State Funding Agreement"), dated as of March 31, 2024, pursuant to N.J.S.A. 27:23-5.8(b), relating to funding the State's share of the HTP.

Under the NJTA-State Funding Agreement, NJTA's annual \$89 million payment, as well as annual payments of (i) \$12,000 rating for agency fees and (ii) \$33,000 (adjusted annually on the CPI-U index) for finance monitoring fees, will be made to the State Treasurer for the State's share of the HTP. The NJTA payments will be made from legally-available revenues in the General Reserve Fund to the State, which payments, subject to annual appropriation by the State Legislature, will be provided to NJ TRANSIT. In turn, pursuant to an agreement between NJ TRANSIT and GDC ("NJT-GDC Funding Agreement"), GDC will use the funds received from NJ TRANSIT to pay the RRIF loan. Additionally, the NJTA-State Funding Agreement will provide monthly payments to the State in the amount of \$1,666,667, again subject to appropriation by the Legislature to NJ TRANSIT who, in turn, will remit those funds to GDC to support GDC operations.

In reliance on the support for the HTP provided by NJTA, the State Treasurer and NJ TRANSIT pursuant to their respective Funding Agreements, the GDC and the RRIF Lender have entered into a RRIF Loan Agreement, which Loan shall be repaid by the GDC from funds remitted by NJ TRANSIT. As a condition of the RRIF Loan, the RRIF Lender requires that NJTA, the State Treasurer and NJ TRANSIT each provide certain assurances, in connection with their respective Funding Agreements, to the RRIF Lender pursuant to a Direct Agreement.

Specifically, material provisions of the Direct Agreement shall include that:

- NJTA's representations in the NJTA-State Funding Agreement and Direct Agreement are true and correct and that the NJTA-State Funding Agreement and Direct Agreement constitute legal, valid, and binding obligations of NJTA, enforceable against NJTA
- The NJTA-State Funding Agreement is in full force and effect, all conditions precedent to the obligations of the parties thereunder have been satisfied, and no event has occurred that gives NJTA or the State Treasurer the right to terminate the Agreement
- NJTA will cooperate with GDC to perform additional acts reasonably requested by the RRIF Lender and execute and deliver such additional documents and instruments as the RRIF Lender may reasonably request to effectuate the terms of the Direct Agreement
- NJTA has the legal right, power and authority to enter into the Direct Agreement and the NJTA-State Funding Agreement and has duly authorized the execution and delivery thereof and performance thereunder
- The Executive Director is duly and properly in office and authorized to execute the Direct Agreement and was authorized to execute the NJTA-State Funding Agreement
- Execution and delivery of the Direct Agreement and the NJTA-State Funding Agreement by NJTA and its performance thereunder do not conflict with any laws applicable to NJTA or constitute a violation, breach or default under any agreement or instrument to which the NJTA is a party and/or signatory
- No consent, approval, permission, authorization, order or license of, or filing or registration with, any person/entity/governmental authority is needed for the execution and delivery or performance by NJTA of the Direct Agreement and the NJTA-State Funding Agreement except as have been obtained or made
- No action, suit, proceeding or any inquiry or investigation is pending or threatened against or affecting the HTP or the ability of NJTA to execute, deliver and perform its obligations under the Direct Agreement or the NJTA-State Funding Agreement or affecting the NJTA's contributions to, or other activities related to the HTP
- NJTA is not in default under the NJTA-State Agreement, and to NJTA's knowledge, no other party to the NJTA-State Funding Agreement is in breach of or default under the NJTA-State Funding Agreement
- NJTA has not created, and is under no obligation to create, and has not entered into any transaction or agreement that would result in the imposition of, any lien on the HTP or the properties or assets in relation to the HTP
- NJTA shall provide notices of any litigation with respect to the HTP or the NJTA-State Funding Agreement, any amendments to the NJTA-State Funding Agreement, any defaults or other actions that may affect funding under the NJTA-State Funding Agreement, or any such information as may be reasonably requested by the RRIF Lender

- NJTA will notify the RRIF Lender of any shortfalls in General Reserve Fund balances that may require the State Treasurer to submit a request to the Governor to include an appropriation in the Governor's Budget Message or a supplemental appropriation from the State Legislature
- NJTA will provide the RRIF Lender with copies of NJTA budgets, audited financials, traffic studies and such other relevant information as reasonably requested
- **Nothing in the Direct Agreement shall be construed to mean that NJTA is liable under the RRIF Loan Agreement for any debt of the GDC thereunder**

* * *

In view of the foregoing, the Board is respectfully requested to authorize and direct the Executive Director (i) to execute a Direct Agreement by and among NJTA, NJ Transit, the Treasurer of the State of New Jersey, Gateway Development Commission, and the U.S. Department of Transportation acting by and through the Executive Director of the Build America Bureau, in a form substantially in accord with the above terms, and (ii) to take any other actions as may be necessary to implement the Direct Agreement. It is further requested that all actions heretofore taken with respect to the NJTA-State Funding Agreement be ratified. A copy of the Direct Agreement, when executed, will be provided to the Board.

* * *

2024-06-158

On motion by Treasurer DuPont and seconded by Vice Chair Diaz the Board unanimously approved item number 2024-06-158; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

ROLL CALL

DIAZ	DuPONT	GRAVINO	SALERMO	MALDONADO	WISNIEWSKI	O'CONNOR
YES	YES	YES	YES	YES	YES	YES

2024-06-159

In a memorandum dated June 25, 2024, **Recommendation to Approve 2023 Annual Comprehensive Financial Report (Annual Report) and the Audited Financial Statements for the Year Ended December 31, 2023,** was approved.

Executive Orders 122 (McGreevey 2004) and 37 (Corzine 2006) require, among other things, an annual audit of the financial statements of the New Jersey Turnpike Authority ("Authority") by an independent auditor. For purposes of these Executive Orders, the audit is an examination of the Authority's financial statements by a certified public accounting firm in compliance with generally accepted government auditing standards ("GAGAS"), issued by the Comptroller General of the United States, and in accordance with all applicable rules, regulations, and circulars. The Executive Orders require the audit to be accompanied by a written certification from both the Executive Director and the Chief Financial Officer that the financial information provided to the auditor in connection with the audit

is, to the best of their knowledge, accurate and that such information fairly represents, in all material respects, the financial condition and operational results of the Authority for the year. Executive Order 37 (Corzine 2006) also requires a comprehensive annual report concerning the Authority's operations to be completed each year. This annual report is to include, among other things, the audited financial statements. Finally, the Executive Orders require the annual report and audited financial statements to be submitted to the Board of Commissioners for its review and, if accepted, approval.

The Authority's 2023 Annual Report and the audited financial statements for the year ended December 31, 2023 are respectfully submitted to the Board of Commissioners for its approval. An Annual Report is a thorough and detailed presentation of the Authority's financial condition. It reports the Authority's activities and balances for each fiscal year. The Annual Report complies with the accounting requirements promulgated by the Government Accounting Standards Board (GASB).

The Annual Report is presented in three (3) sections:

- (1) Introductory Section – includes transmittal letter;
- (2) Financial Section – includes the independent auditor's report and contains management's discussion and analysis, Authority financial statements, fund financial statements, notes to the financial statements, required supplementary information, and schedules; and
- (3) Statistical Section – includes additional financial, economic, and demographic information.

The Authority's external auditor, KPMG LLP has completed its examination of the Authority's financial statements for the year ended December 31, 2023 in compliance with the requirements of the Executive Orders. The auditors have concluded that in their opinion, the financial statements present fairly, in all material respects, the financial position of the Authority as of December 31, 2023, and the changes in its financial position and its cash flows for the year then ended in conformity with U.S. generally accepted accounting principles. The auditor did not note any significant deficiency or material weakness in internal control over financial reporting. In addition, the required Bond Resolution statements, included as supplementary schedules to the financial statements and prepared in accordance with the U.S. generally accepted accounting principles, have been audited in relation to the basic financial statements. KPMG LLP, as required by the Authority's Bond Resolution, has also issued a report which indicates that the Authority has complied with the contractual provisions of its Bond Resolution.

The Authority received The Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for its 2022 Annual Report. The Authority will submit its 2023 Annual Report to the GFOA and staff is confident that the 2023 Annual Report meets the requirements of the GFOA program.

Therefore, in compliance with the Executive Orders 122 (McGreevey 2004) and 37 (Corzine 2006), it is respectfully recommended that the Board of Commissioners accept and approve the

Authority's 2023 Annual Report and the audited financial statements for the year ended December 31, 2023. The Audit Committee has reviewed and accepted these reports.

* * *

2024-06-159

On motion by Treasurer DuPont and seconded by Commissioner Wisniewski the Board unanimously approved item number 2024-06-159; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

ROLL CALL

DIAZ	DuPONT	GRAVINO	SALERMO	MALDONADO	WISNIEWSKI	O'CONNOR
YES	YES	YES	YES	YES	YES	YES

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COMMISSIONERS' COMMENTS

Commissioner Gravino thanked KPMG for another great year and great job, as well as Deputy Executive Director Wilser on the audit side and Assistant Comptroller Erwin on the Finance side for the work completed regarding agenda item number 2024-06-159. Commissioner Gravino stated there is a lot of complexity to this report and thanked them for all their hard work.

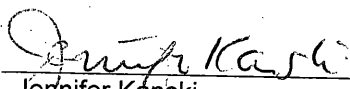
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CHAIR'S COMMENTS

Chair O'Connor thanked everyone for the great accomplishments on agenda item number 2024-06-158. Chair O'Connor thanked the summer interns for attending today's Board Meeting and wished them a lot of luck working at the Authority this summer.

* * *

The motion to adjourn was made by Vice Chair Diaz and seconded by Commissioner Maldonado and, after the voice vote, the motion was duly adopted. The Board of Commissioners adjourned the meeting at 9:58 a.m. and advised that the next meeting will be held on Tuesday, July 23, 2024, 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.


 Jennifer Kanski
 Secretary to the Authority

Date: June 25, 2024


 James D. Carone
 Executive Director

OTHER AGENCIES

NEW JERSEY TURNPIKE AUTHORITY

New Jersey Turnpike Authority Rules

Notice of Proposed Substantial Changes

Proposed Changes: N.J.A.C. 19:9 _____

Proposed: March 4, 2024 at 56 N.J.R. 3(1)

Authorized By: New Jersey Turnpike Authority Board of Commissioners, James D. Carone,
Executive Director.

Authority: N.J.S.A. 27:23-5.s.

Submit written comments by October 4, 2024, to:

Ann Christine Monica, Acting Director of Law

New Jersey Turnpike Authority

PO Box 5042

Woodbridge, New Jersey 07095-5042

rules@njta.com

Take notice that the New Jersey Turnpike Authority (Authority) proposed re-adoption with amendments of N.J.A.C. 19:9 on March 4, 2024, at 56 N.J.R. 3(1). The public comment period closed on May 4, 2024.

The Authority is proposing a number of substantial changes to the proposed re-adoption with amendments in response to comments received. A summary of the comments which prompted changes, and the agency response to those, is provided below. This notice of proposed substantial changes is published pursuant to 52:14B-4.10.

Comments were received from Ryan Sharpe, Director of Governmental Affairs and Communications, Utility Transportation Contractors Association of New Jersey; Steven Gardner, Director, New Jersey Laborers'-Employers' Cooperation and Education Trust; Joseph A. Fiordaliso on behalf of American Council of Engineering Companies, New Jersey; Jonathan Testa, Esquire, legal counsel for the Garden State Towing Association, Inc. (GSTA); Sean Cody, President of B&L Recovery & Towing; and John Tumino, Tumino's Towing.

Summary of Public Comments and Responses:

Ryan Sharpe, Director of Governmental Affairs and Communications, Utility Transportation Contractors Association of New Jersey:

1. SUMMARY OF COMMENT: The following language should be added to N.J.A.C. 19:9-2.2: "In addition, a contract shall not be awarded unless the negotiated price is lower than the lowest rejected bi price submitted on the second occasion, and is the lowest negotiated price offered by any responsible contractor."

RESPONSE: The Authority believes that the suggested change is redundant given that the last sentence of this subsection encompasses the required legal analysis under public bid law for determining the proper low bid and award.

2. SUMMARY OF COMMENT: The proposed changes by the Authority to N.J.A.C. 19:9-2.7 base a contractor's financial capacity on the amount of work billed/competed in a year. This process does not coincide with the bonding/financial industry's procedure based on (1) the contractor's net working capital with a multiplier of 15, (2) net book value of equipment less the amount owed with a multiplier of 15, and (3) lines of credit with a multiplier of 7. Commenter provided suggested language, and separately suggests removing the word "certified" from the term "certified audited financial statement."

RESPONSE: The Authority recognizes commenter's concern of financially and technically capable contractors bidding on work classified under the Authority's new classification rating tiers. However, the Authority cannot adopt the language suggested by commenter because (a) it does not allow for classification ratings to be determined per classification being sought, and (b) it does not allow the Authority to apply professional judgment based on project reference checks to the determined classification rating.

To address the initial concern, the Authority is proposing a change to the classification rating tiers in that the \$100 million and \$200 million classification ratings will be deleted; contractors who perform \$50 million worth of satisfactory work under the regulatory timeframe will attain an unlimited rating in the classification for which that type of work was self-performed.

The Authority takes no exception to the comment removing “certified” from the requirement of an audited financial statement and will apply this change.

Steven Gardner, Director, New Jersey Laborers’-Employers’ Cooperation and Education Trust:

3. SUMMARY OF COMMENT: The Authority has proposed a repeal of N.J.A.C. 19:9-2.4 because the provision is superfluous and essentially reproduced in each contract entered into by the Authority. While we are in agreement with the current practice described by Authority counsel, we believe that the Authority should maintain language in its regulations that explicitly states that the Authority shall consistently include contractual language preserving all of the interests, remedies, and prerogatives available to it under the law.

If Authority is concerned that the rule, as currently worded, unduly limits the Authority’s ability to adequately protect its interests, we would recommend that instead of deleting the rule in its entirety, the Authority amend the existing provision with language that retains the express directive to include appropriate language regarding the termination of contracts in a manner that is more flexibly general than the current text.

RESPONSE: The Authority agrees with the commenter that the existing text of the rule should remain in place and the proposal to eliminate it is stricken.

Joseph A. Fiordaliso on behalf of the American Council of Engineering Companies, New Jersey:

4. SUMMARY OF COMMENT: In 19:9-2.8 (e)4-vi, the Authority is proposing to add the word “any.” Please explain the intent of the proposed addition of the word “any” to this statement. Please clarify whether “any” outstanding work with the Authority is intended to include potential work, as in the ceiling of an on-call agreement. Please indicate all of the active and potential work that “any outstanding work” might be inclusive of. Commenter is concerned that this proposed edit could significantly impact Expression of Interest rankings and could include projects that are substantially complete but have not yet been closed out.

RESPONSE: “Any” was included to support the definition as described in the solicitation documents. The definition of outstanding work has not changed per the Authority Consultant’s Disclosure of Outstanding Work form found at www.njta.com.

5. SUMMARY OF COMMENT: Many SBE/DVOB firms have a high workload since the Authority mandates that prime consultants utilize these firms. Commenter proposes to prorate the subconsultants’ (and possibly the prime consultants’) workload to the percentage of work being assigned.

RESPONSE: The proposed changes do not include modifications to this section on this topic. The Authority declines to make the proposed change as contracting set-asides for small business, minority-owned business and others are applied in conformance with State statute and Department of the Treasury regulations, including N.J.S.A. 52:32-17 et seq., N.J.A.C. 17:13-1.1 et seq. and N.J.A.C. 17:14-1.1 et seq.

6. SUMMARY OF COMMENT: Commenter expresses concerns about the impact the proposed change in limit for simple procurements in N.J.A.C. 19:9-2.8 g(2) will have on a firm's multiplier.

RESPONSE: The Authority's regulations do not govern the multiplier for professional services.

7. SUMMARY OF COMMENT: Regarding the Authority's review of "all fee proposals" when negotiating a fair and reasonable fee with the highest technically ranked qualified firm, fee proposals from other selected qualified firms should only be considered if fee negotiations with the top technically ranked qualified firm do not result in the negotiation of a fair and reasonable fee. Commenter cites qualifications-based selection (QBS) benefits and provides a mark-up of the language in question, primarily proposing to add the word "qualified" in front of "firm".

RESPONSE: The use of all fee proposals to negotiate a fair and reasonable fee is an effective procedure for the Technical Review Committee and is unchanged as proposed. The Authority declines to modify the existing procedure as the suggested change would restrict the information available to make an informed procurement decision.

Jonathan Testa, Esquire, legal counsel for the Garden State Towing Association, Inc.:

8. SUMMARY OF COMMENT: The Authority proposes to amend its towing rate regulations "in response to regular surveying of comparable, regional toll roads, and substantive comments received during a recent rulemaking that culminated in modest adjustments, effective August 1, 2022 and March 20, 2023, to the fees that may be charged by services providers for towing services and road services on the Roadway."

As the GSTA previously explained in its prior public comments, and now reiterates, its members continue to experience significant increases in overhead operational costs due from commercial insurance rates, labor, fuel, and equipment costs over the past 12 approximate years.

The drastic increases in overhead expenses experienced by GSTA members in New Jersey is corroborated by a 2019 pre-pandemic study conducted by the Towing and Recovery Association of America, Inc., and roadside assistance/claims management company Agero, Inc., which found towing companies saw a drastic increase in annual average overhead costs beginning in 2016, with annual average increases in overhead costs accelerating to 7.36%, over 2x higher than the annual 3.28% average increase for overhead costs from 2012 through 2015. The TRAA-Agero Study is directly in-line with, if not lower than, the drastic increases in overhead costs our members have experienced during the same time-period.

The GSTA thanks the Authority for having reconsidered its prior position with respect to the rate regulations and appreciates the Authority's recognition of the exceptional service GSTA members have provided its patrons over the years, enabling the Authority to exceed national averages in incident response and roadway clearance. Increases to the rate regulations remain necessary as a matter of public safety and to ensure that reliable and professional towing and recovery services continue to be provided to the users of the Parkway and Turnpike.

However, further nominal increases are necessary which are set further in further detail below.

The GSTA respectfully disagrees with the limited nominal increases by the Authority, especially considering that prior to 2023 the rate regulations had not been adjusted for approximately 10 years. To date, the Authority has not adopted many of the established New Jersey State Police (NJSP) maximum rates, which have been determined to be objectively reasonable and have been adopted for use throughout the state, including on the Atlantic City Expressway.

The Authority's current rates have pushed many of the most reliable towers to the brink and GSTA has lost trained, experienced, and highly skilled drivers to other business industries, while many towing companies have been forced to abandon their Turnpike/Parkway contracts all together. Without nominal increases and amendments to the rate regulations, we remain very concerned that many of the towing businesses servicing the Turnpike and Parkway will not be able to survive. Specific suggestions for rate increases follow.

Under the NJTA's prior approved rate regulations, storage under N.J.A.C. 19:9-3.1(b) is now free for the first 12-hours after a vehicle is towed from an Authority roadway, thereby making the Authority's rates lower than that of the NJSP. The Authority should adopt further increases to the storage rates to better enable towers to free-up storage space, combat historical abuses for the commercial trucking industry, and alleviate the growing overhead expenses towers are incurring to safely store electric vehicles post-accident.

The commercial trucking industry and insurance industry are well-aware of the Authority's longstanding reduced storage rates and have taken advantage of these rates to the direct detriment and expense of GSTA towers for years. As a result, instead of having vehicles promptly relocated to a non- Authority regulated yard, commercial trucks remain dormant at our towers' storage yards for an extraordinary amount of time and take up much needed space for passenger vehicles.

The only way to prevent this long-standing abuse by the commercial trucking industry is to increase the Authority storage rates to the same level of the NJSP maximum rates. Otherwise, the commercial trucking/insurance industry will continue to be unmotivated to remove vehicles from our tower's Authority regulated storage yards within a reasonable amount of time.

In addition, electric vehicles continue to increase in popularity and, based on a September 2022 report from BloombergNEF, are projected to account for over half of the passenger vehicles sold in the U.S. by 2030. Almost all electric vehicles on the market are powered by high-voltage lithium-ion batteries, which pose a new risk of injury to towers and other emergency responders as they are highly susceptible to ignite/reignite after an electric vehicle is involved in an accident.

According to a 2021 Safety Report published by the National Transportation Safety Board (NTSB), the high-voltage lithium-ion batteries used in electrical vehicles pose a risk of after an accident and further revealed that a lithium-ion battery can reignite multiple times, even days or weeks after a crash. Due to the increased potential for lithium-ion batteries to ignite/reignite in a damaged electric vehicle post-accident; the NTSB has found towers are highly susceptible to risks of injury and storage yard fires. These risks will only continue to increase as electrical vehicles become more prevalent. The NTSB, the National Fire Protection Association (NFPA), SAE International and most electric vehicle manufacturers recommend a 50-foot clearance around a

stored, damaged electric vehicle while it remains in the tower's storage yard. However, the NTSB's study further found this to be infeasible and potentially impossible as the electric vehicle market continues to expand.

For these reasons, at a minimum, the following nominal increases are necessary to the storage rates under N.J.A.C. 19:9-3.1(b) to bring the NJTA's rates more in line with industry standard rates and the NJSP's established rates:

1. The storage rate for "Passenger Vehicles" should be increased to \$50.00 per calendar day;
2. The storage rate for all "Vehicles over 15,000 pounds" except buses should be increased to \$125.00 per unit per calendar day; and
3. The storage rate for "Buses" should be increased to \$250 per calendar day.

For "[l]andoll w/tractor" the current NJTA proposed rate should be increased from \$450.00 per hour to the current NJSP rate of \$500.00 per hour;

For "[r]elief refrigerated tractor trailer," the current NJTA rate should be increased from \$450.00 per hour to the current NJSP rate of \$550.00 per hour;

For "[f]ront end loader (two-yard minimum bucket)" the current NJTA rate of \$300.00 per hour should be increased to the current NJSP rate of \$400.00 per hour;

For "[b]ob cat/skid steer," the current NJTA rate of \$300.00 per hour should be increased to the current NJSP rate of \$400.00 per hour for each piece of equipment used;

For "[f]ork lift (5,000 pounds minimum capacity)" the current NJTA rate of \$300.00 per hour should be increased to the current NJSP rate of \$400.00 per hour regardless of the capacity;

For "[b]ackhoe" the current NJTA rate of \$300.00 per hour should be increased to the current NJSP rate of \$400.00 per hour;

For "[d]ump truck" the current NJTA rate of \$350.00 per hour should be increased to the current NJSP rate of \$400.00 per hour;

For "[d]ump truck w/tractor" the current NJTA rate of \$350.00 per hour should be increased to the current NJSP rate of \$400.00 per hour; and

For "[r]oll off container (40-yard) + disposal fee" the current NJTA rate of \$350.00 per hour should be increased to the current NJSP rate of \$400.00 per hour plus the disposal fee.

RESPONSE: The Authority designed the proposed rates by applying and adjusting for current market influences such as insurance, storage, real estate taxes, fuel costs and employee competition by other industries, as well as factoring in current cyclical and sustained market forces. The

Authority also considered existing and recently amended NJSP rates and believes the Authority rates as proposed reflect existing market conditions, and that further increases are unwarranted at this time. In response to the towing industry's concerns, the Authority has taken significant steps to adjust towing and storage rates over the past two years. NJSP rates are only one of several factors considered in the proposed rates, and the Authority's statutory mandates and responsibilities to its patrons, who pay to use its roadways, are neither identical nor unilaterally analogous to those of the NJSP.

Sean Cody, President of B&L Recovery & Towing:

9. SUMMARY OF COMMENT: As a long-time towing and recovery contractor for the Turnpike and Parkway, we respectfully request these below itemized fees be increased and implemented as quickly as possible. The towing, recovery and storage industry has been hit with the highest increases for insurance, drivers / mechanics and labor, fuel costs continue to skyrocket, inflation has hurt this industry especially hard; there is no relief in sight. This is a crucial time for this industry and without relief and increased rates, many companies may have problems fulfilling their obligations, and may not be able to keep to the standards expected of them to run a 24-hour towing operations for the Turnpike/Parkway. We propose the following increases:

Passenger Vehicles storage rate to \$50.00 per calendar day.

Vehicles over 15,000 pounds storage rate to \$125.00 per unit per calendar day.

Landoll tractor trailer towing rate to the current NJSP rate of \$500.00 per hour.

Relief refrigerated tractor trailer to the current NJSP rate of \$550.00 per hour.

Front end loader (two-yard minimum bucket)" to the current NJSP rate of \$400.00 per hour.

Bob cat/skid steer to the current NJSP rate of \$400.00 per hour for each piece of equipment used.

Forklift (5,000 pounds minimum capacity) to the NJSP rate of \$400.00 per hour regardless of the capacity.

Backhoe to the current NJSP rate of \$400.00 per hour.

Dump truck to the current NJSP rate of \$400.00 per hour.

Dump truck w/ tractor trailer to the current NJSP rate of \$400.00 per hour.

Roll off container (40-yard) + disposal fee to the current NJSP rate of \$400 per hour.

RESPONSE: The Authority designed the proposed rates by applying and adjusting for current market influences such as insurance, storage, real estate taxes, fuel costs and employee competition by other industries, as well as factoring in current cyclical and sustained market forces. The

Authority also considered existing and recently amended NJSP rates and believes the Authority rates as proposed reflect existing market conditions, and that further increases are unwarranted at this time. In response to the towing industry's concerns, the Authority has taken significant steps to adjust towing and storage rates over the past two years. NJSP rates are only one of several factors considered in the proposed rates, and the Authority's statutory mandates and responsibilities to its patrons, who pay to use its roadways, are neither identical nor unilaterally analogous to those of the NJSP.

John Tumino, Tumino's Towing:

10. SUMMARY OF COMMENT: We would ask to rise the truck and car storage town rate to match the NJSP rate because a 53-foot trailer takes up the same space as three cars that are now \$43.00 per day each car, which nets us \$143.00 storage, and a single trailer is only \$81.00 and we have had trucking companies not pick up a trailer because of the low rate for storage. Car storage should also be raised to \$50.00 per day.

A fuel surcharge is needed, paid by the Authority or the patron, and could be the same as NJSP rates.

The Authority should increase all extra heavy duty towing and recovery services equipment under N.J.A.C. 19:9-3.1(a)5i to match NJSP rates.

RESPONSE: The Authority designed the proposed rates by applying and adjusting for current market influences such as insurance, storage, real estate taxes, fuel costs and employee competition by other industries, as well as factoring in current cyclical and sustained market forces. The Authority also considered existing and recently amended NJSP rates and believes the Authority rates as proposed reflect existing market conditions, and that further increases are unwarranted at this time. In response to the towing industry's concerns, the Authority has taken significant steps to adjust towing and storage rates over the past two years. NJSP rates are only one of several factors considered in the proposed rates, and the Authority's statutory mandates and responsibilities to its patrons, who pay to use its roadways, are neither identical nor unilaterally analogous to those of the NJSP.

Text of originally proposed rule subject to the new proposed changes. Substantial changes are shown using boldface italics for additions *thus* and italicized braces for deletions to the proposal text *{thus}*:

19:9-2.4 *{(Reserved)}* ***Termination of contract***

A contract awarded to the successful bidder may be terminated by the Authority at any time for any lawful reason, including, but not limited to, inadequate or improper performance, or for breach of any terms, conditions, or obligations of the contract, as determined by the Authority, or if the vendor shall make an assignment for the benefit of creditors, or file a voluntary petition in bankruptcy, or if an involuntary petition in bankruptcy is filed against the vendor and the act of bankruptcy therein alleged is not denied by the vendor, or the vendor, or an owner of more

than 10 percent of the vendor, is indicted by a Federal or state grand jury. Upon termination, the Authority shall be liable only for payment of goods or services properly performed in accordance with the contract. The Authority shall have the right to purchase non-delivered goods to replace defective goods and services on the open market and hold the vendor liable for the difference between the price set forth in the contract for such goods or services and the prices paid on the open market. Further, the Authority reserves the right to terminate any contract entered into provided written notice has been given to the contractor at least 15 days prior to such proposed termination date. In addition, the Authority shall have the right, without the necessity of court proceedings, to recover all equipment, material, or supplies that are the property of the Authority and have been entrusted with the vendor to be used in the performance of said contract. Nothing in this section is intended to limit the Authority's right to legally pursue all costs that exceed the amount due and owing the vendor under said contract. The list of remedies in this section is not exclusive.

19:9-2.7 Procedure for prequalification [and award of] **to bid on** construction contracts

(a) (No change from proposal.)

(b) In order to prequalify [in classification], prospective bidders shall submit annually, or at least 21 calendar days prior to bid opening [of a specific contract], proof of the [following] **items listed in this subsection. In determining the prequalification of a prospective bidder, only that work performed by the prospective bidder on a contract(s) shall be considered:**

1. As to type of work, recent satisfactory experience as a contractor on a contract involving substantially the same or similar work [to] **as the classification being sought;**

2. As to [amount] **value** of work, satisfactory experience within the past three years [as a] **by the contractor**, either on a single contract performed in a single year, or several contracts performed in a single year, having the following minimum [amounts] **values** of contract work for such single year, for the specified classification ratings listed below:

[i. \$90,000 worth of contract work in a year for a classification rating up to \$150,000 maximum;

ii. \$300,000 worth of contract work in a year for a classification rating up to \$500,000 maximum;]

[iii.] i. **[\$600,000] Less than \$1,200,000** worth of contract work in a year for a classification rating up to \$1,000,000 maximum;

[iv.] ii. **\$1,200,000 to \$2,999,999** worth of contract work in a year for a classification rating up to \$2,000,000 maximum;

[v. **\$2,100,000** worth of contract work in a year for a classification rating up to \$3,500,000 maximum;]

[vi.] iii. **\$3,000,000 to \$5,999,999** worth of contract work in a year for a classification rating up to \$5,000,000 maximum;

[vii.] iv. **\$6,000,000 up to \$11,999,999** worth of contract work in a year for a classification rating up to \$10,000,000 maximum; [and]

[viii.] v. **[\$10,000,000] \$12,000,000 up to \$29,999,999** worth of contract work in a year for a classification rating [of unlimited] **up to \$20,000,000 maximum;**

vi. **\$30,000,000 to \$49,999,999** worth of contract work in a year for a classification rating up to \$50,000,000 maximum;

vii. **{ \$60,000,000 } \$50,000,000 or greater {to \$119,999,999}** worth of contract work in a year for a classification rating *of unlimited*; **{up to \$100,000,000 maximum;}**

{viii. **\$120,000,000 to \$199,999,999** worth of contract work in a year for a classification rating up to \$200,000,000 maximum; and}

{ix. **\$200,000,000 or greater** worth of contract work in a year for a classification rating of unlimited;}

3. (No change from proposal.)

4. (No change from proposal.)

5. (No change from proposal.)

6. (No change from proposal.)

7. (No change from proposal.)

(c) (No change from proposal.)

(d) (No change from proposal.)

(e) (No change from proposal.)

(f) (No change from proposal.)

(g) (No change from proposal.)