

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY
TUESDAY, OCTOBER 27, 2009**

Chairman Dilts called the Authority into session in the Executive Boardroom of the Authority's Administration Offices, Woodbridge, New Jersey, at 9:38 A.M.

PRESENT

Chairman Stephen Dilts; Commissioner/Treasurer Michael DuPont; Commissioner Raymond Pocino; Commissioner Clive Cummis; Commissioner Ulises Diaz; and (participating via teleconference) Commissioner Harold Hodes; Commissioner David Evans; and Commissioner Troy Singleton.

Executive Director Diane Gutierrez-Scaccetti; Deputy Executive Director John O'Hern; Chief Engineer Richard Raczynski; Electronic Toll Collection Director Dennis Switaj; Finance Comptrollers Donna Manuelli, Pamela Varga and Tracey Walters; Human Resources Director Mary-Elizabeth Garrity; Internal Audit Director James Carone; Law Director George Caceres; Deputy Law Director Linda Cavanaugh; Maintenance Director John Cifelli; Operations Director Sean Hill; Purchasing Director Andrea Ward; Strategic Policy & Planning Director Marilyn Lennon; Technology and Administrative Services Director Brian Gorman; Tolls Director Robert Quirk; Commander Matthew Walker, New Jersey State Police Troop D; Chief of Staff Joe Orlando; and Secretary Rose Stanko.

Also present were: General Counsel Judy Verrone; General Consultants Jack Finn and James Beattie; Governors' Authorities Unit Representative Sonia Frontera; NJDOT Policy and Authorities Coordination Representative Ben Neville; Frank Forst – Consultant, Local 194 IFPTE; additional individuals consisting of other NJTA employees; interested organizations; and the general public; and from the media: the Asbury Park Press; and The Bergen Record.

NOTICE OF MEETING

This is a regular meeting of the New Jersey Turnpike Authority. Adequate notice of this meeting has been provided in accordance with Chapter 231, P.L. 1975 in that notice has been given to two newspapers and notice has been forwarded to the Secretary of State, Trenton, New Jersey. In addition, notice of said meeting has been and is being displayed in the main lobby of the Authority's Administration Headquarters in Woodbridge.

ACTION ON MINUTES

The Secretary reported that ten days (excluding Saturdays, Sundays and holidays) have elapsed since Governor Jon S. Corzine received the proceedings of the regular meeting of September 29, 2009; he has not exercised his power to veto any items in those minutes.

Upon motion made by Commissioner DuPont, seconded by Commissioner Diaz, the minutes of the September 29, 2009 meeting were approved.

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RECUSALS

The Secretary reported that advisements of recusal had been submitted and asked for any further recusals or abstentions to be placed on record for this meeting. Those results are regarding

items: 239-09 for Chairman Dilts; 242-09, 243-09, 244-09, 246-09 and 256-09 for Commissioner Pocino; 243-09, 244-09, 246-09 and 257E-09 for Commissioner Singleton.

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At this juncture, the Chairman announced that a separate Executive Session was not required and opened the floor for comment pertaining to the public items being presented for Board approval. There was no response.

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

PERSONNEL

236-09

Human Resources Director Garrity submitted the **Personnel Agenda**, dated October 27, 2009, and requested confirmation of the personnel matters contained therein, as amended.

The Executive Director certified the recommendations for consideration.

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

LAW

Law Director Caceres requested approval of items 237-09 through 240-09; moved together, those items are as follows:

237-09

In a memorandum dated September 29, 2009, concerning a recommendation to **Settle Formal Workers' Compensation Matter of George Wojcik vs. New Jersey Turnpike Authority**, Account No. 10-870-405070.

George Wojcik is a Maintenance Person, hired in August 1988. On August 2, 2005, Mr. Wojcik sustained low back injury from lifting a delineator post during the course of his duties. He was treated conservatively by the Authority's Medical Section and was then referred to Dr. Lee for an MRI. The MRI revealed disc herniation at L5-S1. Dr. Lee administered 3 epidural injections and ordered a course of physical therapy, all of which failed. On 11/30/2005 the petitioner underwent discectomy surgery at St. Barnabas Hospital. He continued to have pain after the surgery and again failed to respond to epidural injections. In April of 2006 he underwent a second surgical procedure which consisted of multi-level decompression at L4-L5, L5-S1 and a discectomy on the left side of L5-S1. He continued to experience pain radiating down the leg and was subsequently diagnosed by Dr. Lee with Piriformis Syndrome. Piriformis Syndrome is basically spasm of the piriformis muscle which lies over the sciatic nerve. When the muscle goes into spasm it compresses the sciatic nerve mimicking true sciatica which is caused by spinal malfunction in the low back. There is currently no

surgery for this syndrome (muscle spasm). It is normally treated with injections into the muscle and physical therapy. This is the physical state the petitioner is currently in.

The petitioner is represented by Weiner, Lesniak, LLP of Parsippany, NJ. The Authority is defended by Special Counsel Gary Price from Buttafuoco, Arce & Price of South Plainfield, NJ. The matter is venued in the district office of Jersey City before Judge Kenneth Kovalcik.

Permanency evaluation on behalf of the petitioner was conducted by Dr. Tiger who opined a value of 60% partial total for the low back. Permanency findings on behalf of the respondent, performed by Dr. Arthur Canario, opined approximately 15% partial total disability for the low back. The petitioner's attorney demanded 40% or \$85,200.00, which defense counsel regarded as excessive. Special Counsel and our Third Party Administrator believe they can resolve this case for 30% partial total or \$39,210.00. They also believe that the petitioner and the court will not go any lower than 30% due to the fact that petitioner had two low back surgeries, was out of work for 15 months, and was noted by the Authority's Dr. Canario to have significant scarring from the surgeries and also walks with a limp. In order to show proof of good faith in this matter before the court, which has been on the docket for several years, Special Counsel is seeking authority to offer this settlement amount. If the settlement is not accepted, the matter will be tried.

The Law Department has reviewed this matter and agrees with the recommendation of the Special Counsel, the Authority's third party workers' compensation administrator and the Assistant Director, HR, Safety & Benefits. Authorization is, therefore, requested to allow Special Counsel to settle this matter for the sum of \$39,210.00.

238-09

In a memorandum dated September 29, 2009, concerning a recommendation to **Settle Formal Workers' Compensation Matter of Louis Nardone vs. New Jersey Turnpike Authority**, Account No. 10-870-405070.

Louis Nardone is a Maintenance Person hired in January 1987 and retired, effective January 30, 2004. This settlement request is a re-opener from a prior injury which occurred on June 10, 2002 when the petitioner's Authority vehicle was rear-ended by a tractor trailer. He originally had arthroscopic surgery to repair his left knee and was awarded 20% partial total equating to \$21,624.00 on 6/23/2004. Since that time Mr. Nardone complained of continued pain in the knee and leg. He was sent to orthopedic surgeon Dr. Greg Foos who performed total knee replacement surgery on 6/16/2006. Post surgery the Petitioner developed a fever and experienced continued knee pain. Dr. Foos treated him with antibiotics, which eliminated the fever but the knee pain remained. After further failed conservative treatment, Dr. Foos performed arthroscopic surgery on 7/17/2007 to remove scar tissue and adhesions in the left knee and performed open iliotibial band release. Continued discomfort led Dr. Foos to perform a bone scan which came back abnormal. On 2/18/2008 the petitioner was referred to orthopedic specialist Dr. David Bullek. Based on x-rays, Dr. Bullek noted an oversized tibial base plate from the artificial

knee. His recommendation was a revision knee replacement due to a failed original knee replacement. On 3/25/2008 the petitioner underwent revision knee replacement surgery with Dr. Bullek, consisting of removal of the artificial knee, debridement of the surrounding bones to provide a better fit and implantation of a new replacement artificial knee.

The petitioner is represented by Shebell & Shebell of Ocean Township, NJ. The Authority is defended by Special Counsel Curt Cox from Kamensky, Cohen & Associates located in Pennington, NJ. The matter is venued in the district office of Toms River before Judge Bradley Henson.

Permanency evaluation on behalf of the petitioner was conducted by Dr. Martin Riss. Dr. Riss estimated a permanent partial disability value of 100% for the left leg. Permanency findings on behalf of the respondent, performed by Dr. Francis DeLuca, opined 15% permanent partial disability for the left leg. The Authority would receive an Abdullah credit of 20% for the original 2004 award as well as the remainder of a Section 40 lien credit from third party recovery which can be applied to the award. In terms of numbers, the award would be 40% permanent partial disability (\$80,400.00), minus the 20% Abdullah credit (\$21,624.00), minus the remaining Section 40 lien credit (\$17,077.61), for a total payout by the Authority of \$41,698.39. In light of the fact that the petitioner underwent three surgeries since the prior award, including two total knee replacements, Special Counsel and our Third Party Administrator feel that this is an appropriate settlement outcome.

The Law Department has reviewed this matter and agrees with the recommendation of the Special Counsel, the Authority's third party workers' compensation administrator and the Assistant Director, HR, Safety & Benefits. Authorization is, therefore, requested to allow Special Counsel to settle this matter for the sum of \$41,698.39.

239-09

In a memorandum dated September 28, 2009, concerning a recommendation to **Settle Formal Workers' Compensation Matter of Garry Kenny vs. New Jersey Turnpike Authority** Account No. 10-870-405070.

Garry Kenny, a Toll Collector (now retired), hired in April 1992, suffered a low back injury on December 27, 1999 when he tripped and fell over a conduit at work. He was initially treated by the Authority's Medical Section and was then referred to Dr. Baskin, a neurologist, who placed the petitioner on Celebrex as well as a course of physical therapy. Petitioner was then seen by Dr. de Luna who ordered an MRI. The MRI was done on 1/11/2000 and showed a paracentral disc herniation at L5-S1 with partial obliteration of the epidural fat. Dr. de Luna administered a series of three epidural injections which did not relieve the pain. Mr. Kenny underwent surgery on 9/15/2000 consisting of a left L5-S1 laminectomy, foraminotomy and a micro-discectomy. He had a second surgery on 2/23/2001 which consisted of a recurrent left foraminotomy and micro-discectomy. After the two surgeries, both of which were performed by Dr. de Luna, the petitioner received causal

neurolysis, lumbar facet injections and epidural steroid injections. A spinal cord stimulator was also implanted and subsequently removed. Mr. Kenny retired effective March 1, 2004 under an “ordinary disability” pension and is also receiving Social Security disability.

The petitioner is represented by Garrubbo, Capece & Millman from Westfield, NJ. The Authority is defended by Special Counsel Michele Haas of Hoagland, Longo, Moran, Dunst & Doukas located in New Brunswick. The matter is venued in the district office of Elizabeth before Judge Peter Womack.

Permanency findings by Dr. Carl Mercurio on behalf of the respondent, opined 10% partial total disability for the lumbar spine. Petitioner was also evaluated by Dr. Bender who values a 3% neurological disability and 3% partial total for neuropsychiatric disability. Permanency findings on behalf of the petitioner, performed by Dr. Weiss, opined 72.5% partial total for the lumbar spine and 100% physiological disability from all causes. The petitioner was also evaluated on his own behalf by Dr. Crain who placed a value of 30% partial total neurologically, 50% partial total psychiatrically and 100% disabled overall. After discussions and negotiations with all parties including Judge Womack, it was proposed that the disability be split 50/50 between the Authority and the Second Injury Fund. The Authority would be responsible for payments equaling \$121,275.00. There is however, a third party recovery in this case. As such, the Authority is entitled to lien rights which would reduce exposure to \$40,425.00. Special Counsel and our Third Party Administrator feel that this is an excellent outcome considering that the petitioner is totally disabled.

The Law Department has reviewed this matter and agrees with the recommendation of the Special Counsel, the Authority’s third party workers’ compensation administrator and the Assistant Director, HR, Safety & Benefits. Authorization is, therefore, requested to allow Special Counsel to settle this matter for the sum of \$40,425.00.

240-09

In a memorandum dated October 21, 2009, concerning **Ratification of Action Taken for the Acquisition of Property Interests Required for the New Jersey Turnpike Authority Interchange 6 to Interchange 9 Widening Program**, Acquisition of Properties, 2009 Capital Construction Program.

The New Jersey Turnpike Authority (the “Authority”) is proceeding with its plans to widen the Turnpike between Interchange 6 in Mansfield Township, Burlington County and Interchange 9 in East Brunswick Township, Middlesex County (the “Widening Program”). The roadway will be widened to 12 lanes with major modifications constructed at four interchanges. Final design is currently underway and construction is proceeding.

The acquisition of the necessary property interests is critical to the success of the Widening Program. In light of same, the Commissioners of the Authority authorized the Executive Director to take all steps necessary to prepare for the acquisition of easements or other

property rights needed to begin Phase 1 construction of the Widening Program with final action being brought to the Commissioners for ratification.

Since that time the Authority has taken final action with respect to certain properties, as identified in “Exhibit A”.

The acquisitions as proposed, do not involve properties designated as “Preserved Farmland” pursuant to and as regulated by the Agriculture Development and Retention Act, N.J.S.A. 4:1C-11 et seq., and State Agricultural Development Committee Rules N.J.A.C. 2:76-1.1, the Act’s implementing regulations. Nor have the above referenced properties been designated or encumbered as Green Acres properties pursuant to N.J.S.A. 13:1D-52 et seq. and N.J.A.C. 7:35-26.1 et seq.

All actions taken by the Executive Director have been reviewed and approved by the Law Department and General Counsel.

Based on the foregoing, it is requested that the Authority Commissioners ratify any and all actions taken by the Executive Director and Director of Law as outlined herein for the acquisition of the properties set forth in “Exhibit A”.

EXHIBIT A

I. New Acquisitions: The Authority has determined that the properties listed below are necessary for the Widening Program. To that end, the Authority had appraisals prepared by independent Appraisers and reviewed by Value Research Group, LLC, the Authority’s Real Estate Manager/Consultant, which set a value for each. The Authority then entered into good faith negotiations with the owners and their respective counsel as appropriate for the purchase of same based on this appraised value and in compliance with the laws governing its powers of eminent domain. Negotiations continued and a settlement of all terms was agreed upon. The following is a description of each property for which the parties have finalized negotiated terms of sale:

1) Turnpike Design Section 2, Turnpike Right-of-Way (ROW) Section 3E

Parcel 276, Block 108, Lot 2.08 (Partial Taking)
52 Shanahan Lane, Chesterfield Township, Burlington County
Owner: Herdt, Frank J. and Josephine
Amount: \$ 2,900.00

The property currently consists of 2.0 acres of land improved with a one-story single family residence and an attached garage (the “Property”). The Authority must acquire the following interest in the Property: (1) a fee simple interest in 0.046 acres of the Property to be designated as Parcel 276 (the “Property Interest”).

2) Turnpike Design Section 3, Turnpike ROW Section 3F

Parcel C334, Block 2732, Lot 7.02 (Partial Taking)
Edgebrook Road, Hamilton Township, Mercer County
Owner: CJS Investments, Inc.
Amount: \$ 2,575.00

The property currently consists of 1.838 acres of vacant land (the “Property”). The Authority must acquire the following interests in the Property: (1) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of subsurface pipelines and appurtenances, impacting 0.082 acres of the Property to be designated as Parcel C334 (the “Property Interest”).

3) Turnpike Design Section 3, Turnpike ROW Section 3F

Parcel 309, Block 2729, Lot 5
4827 Crosswicks-Hamilton Square Road
Hamilton Township, Mercer County
Owner: Bacon, Zain; and Lagola, Jessica
Amount: \$17,000.00

The property currently consists of 2.416 acres of land improved with a one-story single-family residence and an attached one-car garage (the “Property”). The Authority must acquire the following interest in the Property: (1) a fee simple interest in 0.223 acres of the Property to be designated as Parcel 309 (the “Property Interest”).

- 4) Turnpike Design Section 3, Turnpike ROW Section 3F
Parcel Series 345, Block 2734, Lot 1.01
Parcel Series 348, Block 2734, Lot 2
20-30 Burke Road, Hamilton Township, Burlington County
Owner: Fues, Walter Jr., Eunice, Wesley and Wayne
Amount: \$ 5,500.00 for Lot 1.01 and \$3,300.00 for Lot 2
For a total of \$ 8,800.00

The property on Lot 1.01 currently consists of 5,218 acres of vacant land and the property on Lot 2 currently consists of 3.405 acres of vacant land improved with a 1,902 square foot single family residence and several small outbuildings (together the "Property"). The Authority must acquire the following interests in the Property:

As to Lot 1.01: (1) a fee simple interest in 0.002 acres of the Property to be designated as Parcel 345; (2) a utility easement consisting of the right to construct and maintain a subsurface utility pipeline, impacting 0.502 acres of the Property to be designated as Parcel UE345; and (3) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of subsurface pipelines and appurtenances, impacting 0.498 acres of the Property to be designated as Parcel C345.

As to Lot 2: (1) a utility easement consisting of the right to construct and maintain a subsurface utility pipeline, impacting 0.352 acres of the Property to be designated as Parcel UE348; and (2) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of subsurface pipelines and appurtenances, impacting 0.224 acres of the Property to be designated as Parcel C348. All interests together are referred to as the "Property Interests".

- 5) Turnpike Design Section 3, Turnpike ROW Section 3F
Parcel Series 347, Block 2734, Lot 3 & 3Q
50 Burke Road, Hamilton Township, Mercer County
Owner: Bohn, Joseph; and Novosel, Maria M.
Amount: \$ 163,800.00

The property currently consists of an area of 20.80 acres of land that is improved with a 2,784 square foot residential dwelling and several outbuildings (the "Property"). The Authority must acquire the following interests: (1) a fee simple interest in 4.125 acres of Lot 3 to be designated as Parcel 347; (2) a utility easement consisting of the right to construct and maintain a subsurface utility pipeline (Colonial Pipeline) impacting 1.016 acres of the Lot 3 to be designated as Parcel UE347; and (3) a temporary construction easement for use during the construction of subsurface pipelines and appurtenances which temporary construction easement impacting 1.185 acres of Lot 3 and be designated as parcel C347 (together the "Property Interests").

- 6) Turnpike Design Section 2, Turnpike ROW Section 3E
Parcel 283, Block 107, Lot 10.01
Ward Avenue, Chesterfield Township, Burlington County
Owner: Morgan, William D., Sr., William D., Jr., and John C.
Amount: \$29,000.00

The property currently consists of 17.649 acres of vacant land with power lines running parallel to the Turnpike (the "Property"). The Authority must acquire the following interest in the Property: (1) a fee simple interest in 0.721 acres of the Property to be designated as Parcel 281 (the "Property Interest").

- 7) Turnpike Design Section 2, Turnpike ROW Section 3E
Parcel Series 272, Block 101, Lot 4
6 Bordentown-Chesterfield, Chesterfield Township, Burlington County
Owner: Phillips, Doris H.
Amount: \$41,700.00

The property currently consists of 0.458 acres of land improved with a 1,373 square foot cape-cod style single-family house and an attached carport (the "Property"). The Authority must acquire the following interests in the Property: (1) a fee simple interest in 0.015 acres of the Property to be designated as Parcel 272; (2) a slope easement consisting of the right to form and maintain slopes for grading and support of Bordentown-Chesterfield Road, impacting 0.028 acres of the Property to be designated as Parcel E272; and (3) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for the purpose of removing the existing driveway and to grade, topsoil, and seed, impacting 0.010 acres of the Property to be designated as Parcel C272 (together the "Property Interests").

II. Modification to a Property Previously Approved for Eminent Domain Proceedings. The Authority had previously determined that the properties listed below were necessary for the Widening Program. To that end, the Authority had appraisals prepared by independent Appraisers and reviewed by Value Research Group, LLC, the Authority's Real Estate Manager/Consultant, which set a value of \$210,200.00. The Authority then entered into good faith negotiations with the owners and their respective counsel for the purchase of same based on this appraised value and in compliance with the laws governing its powers of eminent domain. Despite such negotiations, the Authority had been unable to reach an agreed upon purchase price with the owner. The Commissioners approved the initiation of eminent domain proceedings. Subsequent to the filing, the alignment changed and, as a result, the taking required from Block

2725, Lot 5 increased thereby increasing the appraised value of the taking. The value of the additional taking is \$77,500.00 as is indicated below. The impact on Block 2725, Lot 4 remains the same. The new total \$ 287,500.00.

1) Turnpike Design Section 3, Turnpike ROW Section 3F

Parcel 321C, Block 2725, Lot 5 (Partial Taking)

4580 Crosswicks-Hamilton Square Road

Hamilton Township, Mercer County

Owner: DiStefano, David J. Jr. and Deborah A.

Amount: \$224,000.00 for Lot 5 Property (includes the additional amount of \$77,500)

The property currently consists of approximately 6.72 acres of land improved with an industrial building, an office building, a single family residence, and a small stable (the "Property"). The Authority must acquire the following interests in the Property: (1) a fee simple interest in 2.064 acres of the Property to be designated as Parcel 321C. There are no residual damages to the Remainder of the Property.

2) Turnpike Design Section 3, Turnpike ROW Section 3F

Parcels 321A, 321B and E321A, Block 2725, Lot 4 (Partial Taking)

4602 Crosswicks Hamilton Square Road, Hamilton Township, Mercer County

Owner: DiStefano, David J. Jr. and Deborah A.

Amount: \$ 63,500.00 for the Lot 4 Property

The property is a near rectangular shaped 2.24 acre parcel improved with a 2,024 square foot single family residence (the "Property"). The Authority must acquire the following interests in the Property: (1) a fee simple interest in 2,061 square feet of the Property to be designated as Parcel 321A; (2) a fee simple interest in 28,677 square feet of the Property to be designated as Parcel 321B; and (3) a slope easement impacting 721 square feet of the Property to be designated as Parcel E321A. There are no residual damages to the Remainder.

III. Settlement Subsequent to Filing of Condemnation Proceedings. The Authority had determined that the properties listed below are necessary for the Widening Program and following the procedures previously outlined. The Authority then entered into good faith negotiations with the owners and their respective counsel as appropriate for the purchase of same based on this appraised value and in compliance with the laws governing its powers of eminent domain. Despite such negotiations, the Authority had been unable to reach an agreed upon purchase price with the owner. The Commissioners approved the initiation of eminent domain proceedings. Subsequent to the filing, negotiations resumed and a settlement of all terms was reached with all affected parties. A stipulation of settlement was then entered by the Court. The following is a description of each property for which the stipulations of settlement have been entered with the Court:

1) Turnpike Design Section 6, Turnpike ROW Section 4J

Parcel Series R1081, Block 22, Lot 10 (Partial Taking)

261 Etra Road, Township of East Windsor, Mercer County

Owner: Ramos, Michael & Michael R.

Amount: \$ 460,000.00 (including the additional amount of \$243,000.00)

The property consists of 11.728 acres, irregularly shaped undeveloped vacant land (the "Property"). The Authority must acquire the following interests in the Property: (1) a permanent slope easement of 0.288 acres; (2) permanent utility easement of 1,363 acres of land; and (3) temporary construction easement of 1.151 acres of land; and (4) a temporary construction easement of 0.049 acres of land (the "Property Interests").

IV. New Eminent Domain Proceedings. The Authority has determined that the three properties listed herein are necessary for the Widening Program. To that end, the Authority had appraisals prepared by independent Appraisers and reviewed by Value Research Group, LLC, the Authority's Real Estate Manager/Consultant, which set a value for each. With respect to Block 2724, Lot 58, the Authority then entered into good faith negotiations with the owners and their respective counsel for the purchase of same based on this appraised value and in compliance with the laws governing its powers of eminent domain. Eminent Domain proceedings are being filed as the last resort. The following is a description of said property:

1) Turnpike Design Section 3, Turnpike ROW Section 3F

Parcel Series 313, Block 2724, Lot 58

4641 Crosswicks-Hamilton Square Road

Hamilton Township, Mercer County

Owner: Ossowski, Edward F. and Genevieve

Amount: \$258,100.00

The property currently consists of 6.96 acres land improved with a single family resident, old greenhouse and older retail building (the "Property"). The NJTA must acquire the following interests in the Property: (1) a fee simple interest in 3.071 acres of the Property to be designated as Parcel 313; (2) a permanent access easement impacting approximately 8,448 square feet of the Property to be designated as Parcel PA313; and (3) a temporary construction easement impacting approximately 1,176 square feet of the Property to be designated as Parcel C313 (the "Property Interests").

The following two (2) properties are referred to as the GORE parcels as they have no known owners. A GORE parcel is defined as a small triangular piece of land, such as may be left between surveys, for which no owner can be identified. Title searches have been conducted and the title company advised that due to the inability to confirm title belonging to either of the surrounding property owners or any other entity, the matter should be cleared up through the condemnation process. As such we have initiated condemnation proceedings for the two GORE parcels described below. As mandated by the rules, we have served notice to any potential property owners or interested parties. To date no owner has been identified. The takings are as follows:

2) Turnpike Design Section 3, Turnpike ROW Section 3F

Parcel Series 308, Block 2724, Lot No. Unknown

Crosswicks-Hamilton Square Road, Hamilton Township, Mercer County

Owner: Unknown (referred to as GORE I)

Amount: \$ 9,500.00

The property is located to the rear of Block 2724, Lot 58 (the "Property").

The NJTA must acquire the following interests in the Property: (1) a fee simple interest in 0.252 acres of the Property to be designated as Parcel 308; (2) a private access easement consisting of the permanent and exclusive right of ingress and egress for the Authority, impacting 1,021 square feet of the Property designated as Parcel PA308; (3) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of an Access Roadway, impacting 642 square feet of the property designated as Parcel C308; and (4) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of an Access Roadway, impacting 626 square feet of the property designated as Parcel 2C308 (the "Property Interests").

3) Turnpike Design Section 3, Turnpike ROW Section 3F

Parcel Series 324, Block 2732, Lot No. Unknown (Partial taking)

Crosswicks-Hamilton Square Road, Hamilton Township, Mercer County

Owner: Unknown (referred to as GORE II)

Amount: \$ 700.00

The property is located at the rear of Block 2732, Lot 3 (the "Property").

The NJTA must acquire the following interests in the Property: (1) a fee simple interest in 0.037 acres of the Property designated as Parcel 324A; (2) a fee simple interest in 0.176 acres of the Property designated as Parcel 324B; (3) a drainage easement consisting of the right to construct and maintain drainage facilities within a drainage easement, containing subsurface drains and appurtenances, impacting 0.024 acres of the Property designated as Parcel D324B; (4) a private access easement consisting of the permanent and non-exclusive right of ingress and egress for the owners of Lot 5, Block 2732, across Lot Unknown Block 2732, impacting 0.036 acres of the Property designated as Parcel PA324; and (5) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of the private access driveway, impacting 0.015 acres of the Property designated as Parcel C324B (the "Property Interests").

V. Increase to Authorization for Purchase of Mitigation Parcels. The Authority's environmental consultant, Louis Berger, Inc., ("Berger") had identified the two parcels listed below as acceptable for mitigation purposes, more specifically to yield credits for wetland impacts in the Raritan Basin as well as riparian zone mitigation for the Millstone River impact. The Board previously authorized these purchases. However, upon further review it was learned that the amount of property identified was incorrect. Both lots were, in fact, larger than originally thought. As a result the purchase price was greater than previously authorized. The following is a description of each property, with the correct information highlighted and the additional value indicated:

1) Turnpike Design Section 8, Turnpike ROW Section 4L

Parcel 1239, Block 6, Lot 8

West Side Perrinville Road & South Side of Longstreet Road

Monroe Township, Middlesex County

Owner: Rihacel, John; and Formica, Palma

Amount: \$ 86,200.00 (including the additional amount of \$ 5,700.00)

The subject is a parcel of vacant land containing an area of 8.906 acres. The property is zoned RR-FLP, Rural Residential-Farmland Preservation District, which permits single-family dwellings; farms, truck gardens, and other agricultural activities; parks, playground and other recreation facilities; township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings. The property contains road frontage along Mills Road. Access to the property along Longstreet Road and Mills Road is restrictive, since these roads have not been maintained and would require significant improvements to be brought to RSIS standards (Residential Site Improvement Standards). The property is heavily wooded and contains level to slightly varying topography. Additionally, according to the NJDEP wetlands map, the majority of the subject site is encumbered with freshwater wetlands and wetland buffers. Due to these physical constraints, development potential on the subject site is limited.

2) Turnpike Design Section 8, Turnpike ROW Section 4L

Parcel 1240, Block 6, Lot 9

West Side Perrinville Road & South Side Longstreet Road

Monroe Township, Middlesex County

Owner: Klefis Rowdonowicz

Amount: \$ 91,400.00 (including the additional amount of \$11,400.00)

The subject is a parcel of vacant land containing an area of approximately 9.144 acres. The property is zoned RR-FLP, Rural Residential-Farmland Preservation District, which permits single-family dwellings; farms, truck gardens and other agricultural activities; parks, playground and other recreation facilities; township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings. The property is currently landlocked, with no legal access or road frontage. Additionally, access to the subject area is limited, since the current access roads (Longstreet Road and Mills Road) have not been maintained and would require significant improvements to be brought to RSIS standards (Residential Site Improvement Standards). The property is heavily wooded and contains level to slightly varying topography. Additionally, according to the NJDEP wetlands map, the majority of the subject site is encumbered with freshwater wetlands and wetland buffers. Due to these physical constraints, development potential on the subject site is limited.

Reviewed by the Law Director, available funds certified by the Comptroller, the Executive Director certified the recommendations for consideration.

On motion by Commissioner Diaz, seconded by Commissioner Pocino, the Authority approved the four (4) Law items; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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The following matters constitute the Public Session agenda:

241-09

ITEM DEFERRED

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ENGINEERING

Chief Engineer Raczynski reported that projects are on schedule with \$343 Million in contracts already out and approximately \$200 Million more to be recommended by the years end. Commissioner DuPont added his appreciation for doing a great job.

Following those remarks, and upon withdrawing item 243-09, the Chief Engineer requested approval of item numbers 242-09 and 244-09 through 256-09. Moved as a group, those Engineering items are as follows:

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242-09

In a memorandum dated October 14, 2009, concerning authorization to **Rescind Award and Re-Award Contract No. P200.005 – Mount Construction Co. Inc.** – Garden State Parkway, Interchange 88 / 89 Signing Improvements, 2009 Capital Construction Program No. 31006014.

At the Commission meeting of August 25, 2009, Contract No. P200.005 was awarded to Joseph M. Sanzari, Inc., the low bidder, in the amount of \$1,810,341.00. This contract consists of the furnishing and installation of five overhead span sign support structures on the Garden State Parkway Southbound and Northbound, widening of Mainline southbound and northbound lanes, removal of existing inlets and pipes, installation of new pipes, inlets, storm water recharger chambers, a storm water treatment unit, and removal and installation of a new guide rail on the

Mainline roadway. The work to be performed is scheduled to be substantially complete by June 30, 2010.

Subsequent to the award of this contract, Mount Construction Co., Inc., the second lowest bidder, filed a protest of this award in accordance with N.J.A.C. 19:9-2.12 alleging that the bid submitted by Joseph M. Sanzari, Inc. was incomplete and should not have been accepted. A hearing was conducted pursuant to the Authority's Regulations and a decision accepting the position of Mount Construction Co., Inc. was rendered by the hearing officer, submitted to and accepted by the Executive Director. As a result of this determination, the bid submitted by Joseph M. Sanzari, Inc. is deemed incomplete and the above referenced award of Contract No. P200.005 must be rescinded.

The second low bid proposal, in the amount of \$1,888,546.26, may be compared to the third low bid proposal in the amount of \$2,107,640.00. The second low bidder, Mount Construction Co., Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P200.005 be awarded to the second low bidder, Mount Construction of Berlin, New Jersey, in the amount of \$1,888,546.26. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine). The General Consultant, HNTB Corporation, concurs with this recommendation.

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243-09

ITEM DEFERRED

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244-09

In a memorandum dated October 14, 2009, concerning a recommendation to **Award Contract No. P500.109 – Hall Building Corporation** – Garden State Parkway, Herbertsville Bus and Truck Inspection Facility, Milepost 94.6 SB, Parkway, 2009 Construction Program No. 31005013 and Future Bond Issue.

This contract will provide for the construction of a bus and truck inspection facility on the Garden State Parkway at Milepost 94.6 SB Wall Township, Monmouth County. The work will consist of construction of an 8,300 square foot bus and truck inspection facility, installation of water and sanitary sewer services, grading, drainage, paving, roadway lighting, and signage. The work to be performed under this contract is scheduled to be completed on or before June 30, 2011.

Twelve bid proposals were received on October 7, 2009 for the above publicly advertised contract, as shown on the attached bid summary sheet. The low bid proposal, in the amount of

\$6,909,503.30, may be compared to the second low bid proposal in the amount of \$7,086,420.00. The low bidder, Hall Building Corporation, has not previously performed work for the Authority, is prequalified with the Division of Property Management and Construction, and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P500.109 be awarded to the low bidder, Hall Building Corporation of Farmingdale, New Jersey, in the amount of \$6,909,503.30. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine). The General Consultant, HNTB Corporation, concurs with this recommendation.

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245-09

In a memorandum dated August 27, 2009, concerning a recommendation to **Issue Order for Professional Services No. A3255 – Boswell Engineering** – Supervision of Construction Services for Contract No. A300.110, Garden State Parkway and New Jersey Turnpike, Toll Plaza Rehabilitation; and Contract No. P500.109, Garden State Parkway, Herbertsville Bus and Truck Inspection Facility, Milepost 94.6 SB, 2009 Capital Construction Program No. 31005013 and Future Bond Issue.

This Order for Professional Services (OPS) provides construction supervision of the referenced contracts. The work to be performed under Contract No. A300.110 consists of the rehabilitation of concrete toll lane pavement at 20 toll plazas on both the Garden State Parkway and the New Jersey Turnpike. Rehabilitation work will consist of repair and/or total replacement of concrete toll lane pavement as shown on the plans including installation of reinforcing steel (as required), replacement of treadle frames with drains, concrete toll island repair and miscellaneous electrical conduit work. The work to be performed under Contract No. P500.109 will provide for the construction of an 8,300 square foot bus and truck inspection facility, installation of water and sanitary sewer services, grading, drainage, paving, roadway lighting, and signage.

This assignment is classified as a "Complex Project" based on the cost exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 32 engineering firms prequalified and eligible under Profile Codes B151 – Construction Management; B152 – Project Management (Scheduling); B153 – Roadway Construction Inspection; and B159 – Building Construction and Renovation Inspection. Seven firms submitted EOIs by the closing date of June 17, 2009.

Subsequent to the scoring of EOIs by the Review Committee the top three firms were requested to submit Technical and sealed Fee Proposals. They are: 1) Boswell Engineering; 2)

Ammann & Whitney; and 3) Kupper LLC. The Review Committee reviewed and evaluated each firm's Technical Proposal and final scoring resulted in Boswell Engineering being the highest technically ranked firm. The fee submitted has been reviewed and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. A3255 be issued to the firm of Boswell Engineering of South Hackensack, New Jersey in the maximum amount of \$1,995,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.35 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8, and Executive Order No. 37 (Corzine).

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246-09

In a memorandum dated October 7, 2009, concerning a recommendation to **Award** **Contract No. T869.120.301 – J. Fletcher Creamer & Son Inc.** – New Jersey Turnpike, Interchange 6 to Interchange 9 Widening Program, Grading, Drainage, Paving and Utilities, Local Roadways, Milepost 57.1 to 58.4, Township of Hamilton, Mercer County, 2009 Capital Construction Program No. 31018001.

This contract includes advanced utility relocations and local roadway reconstruction to support future New Jersey Turnpike Widening contracts. Elements of this contract include the lowering of Crosswicks-Hamilton Square Road under the Turnpike, and the realignment of Uncle Pete's Road adjacent to the Turnpike. Also included are utility relocations for both roadways and the jacking of utility sleeves under the Turnpike in the vicinity of South Broad Street. Construction is anticipated to commence in December 2009.

Fifteen bid proposals were received on October 6, 2009 for the above publicly advertised contract, as shown on the attached bid summary sheet. The low bid proposal, in the amount of \$4,183,237.48, may be compared to the second low bid proposal in the amount of \$4,404,289.80. The low bidder, J. Fletcher Creamer & Son, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T869.120.301 be awarded to the low bidder, J. Fletcher Creamer & Son, Inc. of Hackensack, New Jersey, in the amount of \$4,183,237.48. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. Bids for this work were procured, and the authorization being sought

is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine). The General Consultant, HNTB Corporation, concurs with this recommendation.

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247-09

In a memorandum dated October 9, 2009, concerning a recommendation to **Issue Order for Professional Services No. T3224 – Greenman-Pedersen Inc.** – New Jersey Turnpike, Design Services for Contract No. T100.125, Bridge Deck Reconstruction and Miscellaneous Improvements, Newark Bay – Hudson County Extension, Milepost N6.00 to N8.20, 2009 Capital Construction Program No. 31001010 and Future Bond Issue.

This Order for Professional Services (OPS) will provide for design services for bridge deck reconstruction and miscellaneous improvements of six structures in Zone 3 of the New Jersey Turnpike's Newark Bay-Hudson County Extension (NB-HCE), between Interchange 14C and the eastern terminus approaching the Holland Tunnel in Jersey City. This is the first phase of the NB-HCE Zone 3 bridge deck reconstruction program, focusing on the westbound roadway, which will involve bridge deck reconstruction, parapet and median barrier replacement, deck joint replacement, structural steel repairs, drainage, lighting and other related work. The construction contract is anticipated to be awarded in February 2011.

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 \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 41 engineering firms prequalified and eligible in Profile Code A095 – Bridges: Deck Reconstruction. Five firms submitted EOIs by the closing date of August 21, 2009.

Subsequent to the scoring of EOIs by the Review Committee, the top three firms were requested to submit Technical and sealed Fee Proposals. The firms are: 1) Greenman-Pedersen, Inc.; 2) PB Americas, Inc.; and 3) TranSystems Corporation. The Review Committee reviewed and evaluated each firm's Technical Proposal and final scoring resulted in Greenman-Pedersen, Inc. being the highest technically ranked firm. The fee submitted by Greenman-Pedersen, Inc. has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. T3224 be issued to the firm of Greenman-Pedersen, Inc. of Lebanon, New Jersey in the maximum amount of \$3,595,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.65, based on a 10% allowance for profit and an overhead rate of 140.6% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no

objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8, and Executive Order No. 37 (Corzine).

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248-09

In a memorandum dated October 14, 2009, concerning a recommendation to **Issue Order for Professional Services No. P3256 – KS Engineers, P.C.**, for Parkway Milepost 140 to 158; **Order for Professional Services No. P3257 – McCormick Taylor Inc.**, for Parkway Milepost 158 to 172.4; and **Order for Professional Services No. P3258 – Medina Consultants** – for Turnpike Milepost 117.16 to 122.03 – Design Services for Storm Water Collection System Inspection, 2009 Capital Construction Program No. 31002003.

Through this single Order for Professional Services (OPS) procurement process three consultants will be selected to perform the following services: OPS P3256 – field and video inspect all storm water collection system structures and associated piping on the Garden State Parkway from Milepost 140 to 158 including the submission of a Final Storm Water Collection System Inspection Findings Report; OPS P3257 – field and video inspect all storm water collection system structures and associated piping on the Garden State Parkway from Milepost 158 to 172.4 including the submission of a Final Storm Water Collection System Inspection Findings Report; OPS T3258 – field and video inspect all storm water collection system structures and associated piping on the New Jersey Turnpike I-95 Section from Milepost 117.16 to 122.03 including the submission of a Final Storm Water Collection System Inspection Findings Report.

These assignments are classified as "Simple Projects" based on the scope of work being clearly defined and not likely to change during the course of the projects, and the cost not exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 37 engineering firms prequalified and eligible under Profile Codes A250 – Fully Controlled Access Highways and A265 – Roadway Storm Water Collection Systems. Fourteen firms submitted EOIs by the closing date of September 9, 2009.

Subsequent to the scoring of EOIs, Fee Proposals were requested from the top three firms. The firms are: 1) KS Engineers, P.C.; 2) Medina Consultants; and 3) McCormick Taylor, Inc. The fees submitted by all three firms have been reviewed, negotiated and are considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that **OPS No. P3256** be issued to the firm of KS Engineers, P.C. of Newark, New Jersey, in the maximum amount of \$899,800. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.53, based on a 10% allowance for profit and an overhead rate of 130% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses.

It is also recommended that **OPS No. P3257** be issued to the firm of McCormick Taylor, Inc. of Mt. Laurel, New Jersey, in the maximum amount of \$874,200. This amount includes

reimbursement of direct salaries times a maximum multiplier of 2.5, based on a 10% allowance for profit and an overhead rate of 140.9% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses.

It is also recommended that OPS No. T3258 be issued to the firm of Medina Consultants of Hackettstown, New Jersey, in the maximum amount of \$880,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.6, based on a 10% allowance for profit and an overhead rate of 136.76% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses

These awards are contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardees, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firms were selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8 and Executive Order No. 37 (Corzine).

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249-09

In a memorandum dated October 6, 2009, concerning a recommendation to **Issue Order for Professional Services No. A3259 – Michael Baker Jr. Inc.** – Garden State Parkway and New Jersey Turnpike, Design Services, Condition Assessment and Improvement Program for Turnpike and Parkway Guide Signage, 2009 Capital Construction Program No. 31006014.

The work to be performed under this Order for Professional Services (OPS) consists of preparation of a condition assessment report, comprehensive sign inventory including evaluation of the remaining functional service life of sign panels based on retroreflectivity, sign location, sign legend, dimensions, sign structure support type. This OPS will develop a database and master plan for the overall upgrade of the scheduled improvement of all the signing for both roadways in compliance with the current edition of the Authority's Design Manual and the "Manual on Uniform Traffic Control Devices" as applicable on the Turnpike and Garden State Parkway.

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 projects, and the cost not exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 39 engineering firms prequalified and eligible under Profile Codes A250 – Fully Controlled Access Highways and A252 – Complex Interchanges. Six firms submitted EOIs by the closing date of August 28, 2009.

Subsequent to the scoring of EOIs, Fee Proposals were requested from the top three firms. The firms are: 1) Michael Baker Jr., Inc.; 2) Boswell Engineering; and 3) Arora and Associates, P.C. The fee submitted by Michael Baker Jr., Inc. has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. A3259 be issued to the firm of Michael Baker Jr., Inc. of Hamilton, New Jersey in the maximum amount of \$900,000. This amount includes

reimbursement of direct salaries times a maximum multiplier of 2.8, based on a 10% allowance for profit and an overhead rate of 154% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8, and Executive Order No. 37 (Corzine).

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250-09

In a memorandum dated October 14, 2009, concerning a recommendation to **Issue Order for Professional Services No. T3260 – Medina Consultants Inc.** – New Jersey Turnpike, Design and Environmental Permitting, Interchanges 15W and 16W Improvements, 2009 Capital Construction Program No. 31003035 and Future Bond Issue.

This Order for Professional Services (OPS) will provide professional services to facilitate the final design and environmental permitting required for the construction of interchange improvements considered necessary to accommodate existing and future traffic volumes at Interchange 15W in Kearny Township, Hudson County and Interchange 16W in East Rutherford Borough, Bergen County. Interchanges 15W and 16W were identified in an earlier study as two of the prioritized interchanges along the Turnpike that warranted operational, capacity and safety improvements.

This assignment is classified as a "Complex Project" because the cost exceeds \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 28 engineering firms prequalified and eligible in Profile Codes A250 – Fully Controlled Access Highways; A252 – Complex Interchanges; C190 – Preparation of EIS and EA's; and D491 – Transportation Planning: Alternative Analyses. Eight firms submitted EOIs by the closing date of September 4, 2009.

Subsequent to the scoring of EOIs by the Review Committee, the top three firms were requested to submit Technical and sealed Fee Proposals. The firms are: 1) Medina Consultants, Inc.; 2) Arora and Associates P.C.; and 3) AECOM USA, Inc. The Review Committee reviewed and evaluated each firm's Technical Proposal and the final scoring resulted in Medina Consultants, Inc. being the highest technically ranked firm. The fee submitted by Medina Consultants, Inc. has been reviewed and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. T3260 be issued to the firm of Medina Consultants, Inc. of Hamilton, New Jersey in the maximum amount of \$1,935,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.6, based on a 10% allowance for profit and an overhead rate of 136.7% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary

expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8, and Executive Order No. 37 (Corzine).

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251-09

In a memorandum dated October 14, 2009, concerning a recommendation to **Issue Order for Professional Services No. T3263 – Hatch Mott MacDonald**, for Woodrow Wilson Service Area 6N; and **Order for Professional Services No. T3285 – Dewberry-Goodkind Inc.**, for Richard Stockton Service Area 6S – New Jersey Turnpike, Environmental Remediation, Operation, Maintenance and Compliance Monitoring of Remediation Systems, Remedial Action and Remedial Design, Special Project Reserve Fund No. 04010019.

Through this single Order for Professional Services (OPS) procurement process two consultants will be selected to provide professional services to operate, maintain and perform compliance monitoring for the remediation systems installed at the above referenced service areas in accordance with current New Jersey Department of Environmental Protection regulations. The scope also includes remedial actions and design as may be needed to ensure the most effective remediation of the sites. Each solicitation is for a three year term commencing on or about January 1, 2010.

These assignments are classified as "Simple Projects" based on the scope of work being clearly defined and not likely to change during the course of the projects, and the cost not exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 24 engineering firms prequalified and eligible under Profile Codes C195 – Soil and Groundwater Remedial Investigation; C196 – Soil and Groundwater Remediation Design; and C197 – Remediation Systems: Operation and Maintenance and Compliance Monitoring. Thirteen firms submitted EOIs by the closing date of September 23, 2009

Subsequent to the scoring of EOIs, Fee Proposals were requested from the top three firms. The firms are: 1) Hatch Mott MacDonald; 2) Dewberry-Goodkind, Inc.; and 3) Dresdner Robin Environmental Management, LLC. Based on Dewberry-Goodkind, Inc.'s prior knowledge of the remediation efforts at Service Area 6S, it is being recommended that Dewberry-Goodkind, Inc. be assigned OPS No. T3285 and that the top ranked firm, Hatch Mott MacDonald be assigned OPS No. T3263. The fees submitted by Hatch Mott MacDonald and Dewberry-Goodkind, Inc. have been reviewed, negotiated and are considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. T3263 be issued to the firm of Hatch Mott MacDonald of Millburn, New Jersey, in the maximum amount of \$535,000, allocated as follows: \$205,000 in 2010; \$165,000 in 2011; and \$165,000 in 2012. This amount includes reimbursement

of direct salaries times a maximum multiplier of 2.8, based on a 10% allowance for profit and an overhead rate of 154% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses.

It is also recommended that OPS No. T3285 be issued to the firm of Dewberry-Goodkind Inc. of Parsippany, New Jersey, in the maximum amount of \$769,000, allocated as follows: \$375,000 in 2010; \$244,000 in 2011; and \$150,000 in 2012. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.44, based on a 10% allowance for profit and an overhead rate of 122% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses.

These awards are contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardees, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firms were selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8 and Executive Order No. 37 (Corzine).

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252-09

In a memorandum dated October 13, 2009, concerning a recommendation to **Issue Order for Professional Services No. T3267 – Dewberry-Goodkind Inc.**, for Contract No. T100.153, Milepost 83 to 122 and the Newark Bay-Hudson County Extension; and **Order for Professional Services No. T3268 – Michael Baker Jr. Inc.**, for Contract No. T100.154, Milepost 0 to 122, Newark Bay-Hudson County Extension and the Pearl Harbor Memorial Turnpike Extension – New Jersey Turnpike, Design Services for Bridge Deck Repairs and Resurfacing, Maintenance Reserve Fund No. 03010001.

Through this single Order for Professional Services (OPS) procurement process the Authority will select two consultants to furnish design services and preparation of construction contract documents for annual bridge deck and miscellaneous structural repair contracts for 2011 that will address the northern and southern sectors on the Turnpike. OPS No. T3267 provides for the inspection, condition evaluation and preparation of contract documents for bridge deck repairs and resurfacing on the northern sector of the Turnpike. OPS No. T3268 provides for the inspection, condition evaluation and preparation of contract documents for bridge deck repairs and resurfacing on the southern sector of the Turnpike and miscellaneous structural repairs for both the northern and southern sectors of the Turnpike.

These assignments are classified as "Simple Projects" based on the scope of work being clearly defined and not likely to change during the course of the projects, and the cost not exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 52 engineering firms prequalified and eligible under Profile Code A092 – Bridges: Miscellaneous Repairs, and 51

prequalified under A093 – Bridges: Deck Replacements and Rehabilitation. Six firms submitted EOIs by the closing date of September 9, 2009.

Subsequent to the scoring of EOIs, Fee Proposals were requested from the top three firms. The firms are: 1) Greenman-Pedersen, Inc.; 2) Michael Baker Jr., Inc.; and 3) Dewberry-Goodkind, Inc. As a result of the recommendation to award OPS No. T3224 to Greenman-Pedersen, Inc. at the October Commission Meeting, and in accordance with established procurement provisions, Greenman-Pedersen, Inc. has voluntarily withdrawn from consideration for OPS' T3267 and T3268. Due to the voluntary withdrawal of Greenman-Pedersen, Inc., Michael Baker Jr., Inc. and Dewberry-Goodkind, Inc. are the first and second ranked firms, respectively. The fees submitted by Michael Baker Jr., Inc. and Dewberry-Goodkind, Inc. have been reviewed, negotiated and are considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. T3267 be issued to the firm of Dewberry-Goodkind, Inc. of Bloomfield, New Jersey, in the maximum amount of \$995,000, allocated as follows: \$895,000 in 2010 and \$100,000 in 2011. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.43, based on a 10% allowance for profit and an overhead rate of 121%, or the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses.

It is also recommended that OPS No. T3268 be issued to the firm of Michael Baker Jr., Inc. of Princeton, New Jersey, in the maximum amount of \$885,000, allocated as follows: \$650,000 in 2010 and \$235,000 in 2011. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.8, based on a 10% allowance for profit and an overhead rate of 154.5% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses.

These awards are contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardees, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firms were selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8 and Executive Order No. 37 (Corzine).

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253-09

In a memorandum dated October 6, 2009, concerning a recommendation to **Issue Order for Professional Services No. A3275 – Churchill Consulting Engineers P.C.** – Garden State Parkway and the New Jersey Turnpike, Design Services for Contract No. A900.148, Microwave Tower Rehabilitation, 2009 Capital Construction Program No. 31005013, Small Business Enterprise Set-Aside.

The work to be performed under this Order for Professional Service (OPS) will provide for the design and preparation of contract documents for rehabilitation of sixteen microwave towers on the Garden State Parkway and four microwave towers on the New Jersey Turnpike.

This assignment is classified as a "Simple Project" based on the scope of work being clearly defined and not likely to change during the course of the projects, and the cost not exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to ten engineering firms prequalified and eligible under Profile Code A092 – Bridges: Miscellaneous Repairs and registered as a SBE by the New Jersey Commerce and Economic Growth Commission. Four firms submitted EOIs by the closing date of September 8, 2009.

Subsequent to the scoring of EOIs, Fee Proposals were requested from the top three firms. The firms are: 1) Churchill Consulting Engineers, P.C.; 2) Malick and Scherer, P.C.; and 3) LS Engineering Associates Corporation. The fee submitted by Churchill Consulting Engineers, 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 OPS No. A3275 be issued to the firm of Churchill Consulting Engineers, P.C. of Berlin, New Jersey in the maximum amount of \$270,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.49, based on a 10% allowance for profit and an overhead rate of 126.4% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8, and Executive Order No. 37 (Corzine).

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254-09

In memorandum dated October 9, 2009, concerning a recommendation to **Issue Order for Professional Services No. P3283 – WSP-Sells**, for Milepost 149 to 172 North; and **Order for Professional Services No. P3284 – Arora and Associates P.C.**, for Milepost 96 to 123 South –Garden State Parkway, Engineering Services for the 2010 New Jersey Turnpike Authority Bridge Inspection Program, Special Project Reserve Fund No. 04010018.

Through this single Order for Professional Services (OPS) procurement process the Authority will select two consultants to furnish engineering services for annual bridge inspections on the Garden State Parkway. The engineering services associated with OPS No. P3283 will include inspection of 116 bridges in the northern portion of the Garden State Parkway and OPS No. P3284 will include inspection of 120 bridges in the southern portion of the Garden State

Parkway. Both OPS' include FHWA Structure Inventory and Appraisal form updates and New Jersey Turnpike Authority's Bridge Management System inspections and data collection.

These assignments are classified as "Simple Projects" based on the scope of work being clearly defined and not likely to change during the course of the projects, and the cost not exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 26 engineering firms prequalified and eligible under Profile Code D280C – Bridges, NBIS Program, Complex. Eleven firms submitted EOIs by the closing date of September 22, 2009.

Subsequent to the scoring of EOIs, Fee Proposals were requested from the top three firms. The firms are: 1) WSP-Sells; 2) Arora and Associates, P.C.; and 3) IH Engineers, P.C. The fees submitted by WSP-Sells and Arora and Associates, P.C. have been reviewed and are considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. P3283 be issued to the firm of WSP-Sells of Hamilton, New Jersey, in the maximum amount of \$560,000, allocated as follows: \$500,000 in 2010 and \$60,000 in 2011. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.8, based on a 10% allowance for profit and an overhead rate of 154.5%, or the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses.

It is also recommended that OPS No. P3284 be issued to the firm of Arora and Associates, P.C. of Lawrenceville, New Jersey, in the maximum amount of \$560,000, allocated as follows: \$360,000 in 2010 and \$200,000 in 2011. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.78, based on a 10% allowance for profit and an overhead rate of 152.5% or the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses.

These awards are contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by these awardees pursuant to Public Law 2005, Chapter 51 and having no objection to same.

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255-09

In a memorandum dated October 9, 2009, concerning a recommendation to **Issue Supplement A to Order for Professional Services No. P3230 – Boswell Engineering** – Garden State Parkway, Design Services for Contract No. P200.127, Guide Rail Improvements, Milepost 0 to 63, 2009 Capital Construction Program No. 31002016.

This Order for Professional Services (OPS) was issued at the April 2009 Commission Meeting, in the amount of \$525,000, and provided for the preparation of final design contract documents for guide rail improvements between Milepost 0 and 63 on the Garden State Parkway.

Supplement A will compensate Boswell Engineering for a revised scope of work for this OPS. The original scope of work included the area between Milepost 0 and 63. Subsequent to the issuance of the OPS, the limit of the Parkway widening was extended to Milepost 30. Accordingly,

the section between Milepost 30 and 63 was removed from this OPS and will be incorporated in subsequent design sections for the widening, and the section between Milepost 100 and 126 was substituted. The characteristics of the Milepost 100 to 126 section are significantly different than the Milepost 30 to 63 section with respect to guide rail density, required traffic control, and roadway miles. These differing characteristics will require more design effort between Milepost 100 and 126.

Boswell Engineering has submitted a proposal in the amount of \$75,000 to provide the required services, which has been reviewed, negotiated and considered reasonable.

It is, therefore, recommended that Supplemental OPS No. P3230A be issued to Boswell Engineering in the amount of \$75,000, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$525,000 to \$600,000. The original contract was procured pursuant to N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8.

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256-09

The following is a **Contract for Formal Acceptance and Final Payment:**

<u>CONTRACT NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
<u>Contract T100.009-1</u>	Anka Painting Company, Inc. Repainting Structural Steel Milepost 100 to Milepost 102 Union County Maintenance Reserve Fund No. 03010003	\$60,863.30

The Authority accepted the certifications of the Engineers, General Consultants and Chief Engineer as to inspection and completion of the foregoing contract; the certification of the Authority's Law Department as to liens, claims, surety bonds and Final Payment Certificate, in the amount shown, due to the contractor for completion of the above contract.

Reviewed by the Law Director; available funds certified by the Comptroller; the Executive Director certified the recommendation for consideration.

On motion by Commissioner DuPont, seconded by Commissioner Diaz, the Authority approved the fifteen (15) item engineering agenda; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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PURCHASING

Purchasing Director Ward identified the purchasing agenda as routine goods and services; emphasized item 257F-09 and presented amendments to that recommendation; and requested approval. Moved as a group, Purchasing items 257A-09 through 257K-09 are as follows:

Results of Bidding: Items 257A-09 through 257D-09 are in response to public advertisement for the commodities requisitioned by various departments. Awards are contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted

by the selected awardees pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008) and having no objection to same. Bids for these items were procured and authorization is sought to award contracts to the lowest responsible bidders, pursuant to N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order 37.

Recommendations of contract awards to the low bidders meeting Authority specifications are as follows:

257A-09

<u>BIDDERS</u>	<u>BIDS</u>			
<u>INVITED</u>	<u>REC'D</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
17	5	Toll Machine Parts	Tri-Technologies Inc. Mt. Vernon, NY	\$ 45,150.00

Requisition (R)-59008; Budget Code: 653010 00 040 600, Project 04008035;
Bids Received: October 9, 2009.

Requisitioned by the Toll Collection Department, this for the purchase of manufactured toll machine parts, including but not limited to, gear assemblies, face plates, and roto covers used by the Toll Collections Department.

Review of all bid proposals found one bidder submission as non-compliant and required rejection.

Recommend award be made to the lowest responsible bidder, Tri-Technologies Inc. in an amount not to exceed \$45,150.00. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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257B-09

<u>BIDDERS</u>	<u>BIDS</u>			
<u>INVITED</u>	<u>REC'D</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
6	5	Harley Davidson Electra Glide Motorcycles	Highroads Harley Davidson-Buell Highland Park, NJ	\$ 52,500.00

R-61464; Budget Code: 650020 01 040 720; Bids Received: September 17, 2009

Requisitioned by the State Police, this is for the purchase of three (3) 2010 Harley Davidson Electra-Glide police motorcycles for New Jersey State Police Troop E.

Review of all bid proposals found one bidder submission as non-compliant and required rejection.

Recommend award be made to the lowest responsible bidder, Highroads Harley Davidson-Buell, in an amount not to exceed \$52,500. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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257C-09

<u>BIDDERS</u>	<u>BIDS</u>			
<u>INVITED</u>	<u>REC'D</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
16	4	Diesel Fueled Hot Asphalt Storage Units	Trius Inc. Bohemia, NY	\$140,256.00

R-63678; Budget Code: 650010 01 040 540; Bids Received: October 6, 2009.

Requisitioned by Maintenance Department, the advertised bid was for the purchase of three (3) 4-ton Diesel Fueled Hot Asphalt Storage Units.

Review of all bid proposals found two bidder submissions as non-compliant and required rejection.

Recommend award be made to the lowest responsible bidder, Trius, Inc. The contract contains a 3-Year Open End Option which permits the Authority to purchase additional units conforming to the specifications at the same price for the first year and prices negotiated by the Purchasing staff up to an increase of 10% of the original contract amount for the two additional model years. Therefore, pursuant to the 3-year open-end option, the Maintenance Department has requested that the Authority purchase three (3) additional units at this time, for a total amount of six (6) units, not to exceed \$140,256.00.

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227D-09

BIDDERS BIDS		COMMODITY	VENDOR	AMOUNT
INVITED	REC'D			
15	8	Tree Trimming and Removal Services	Downes Tree Service Co. Inc. Hawthorne, NJ	\$360,000.00 (North & Central, Parkway)
			Asplundh Tree Expert Co. Willow Grove, PA	\$240,000.00 (South, Parkway)

Requisition Memorandum (RM)-772; Bids Received: October 9, 2009.

Requisitioned by the Maintenance Department, this is a one-year Price Agreement for tree trimming and removal services on the Garden State Parkway. Bidders were requested to bid on any or all of the following three Areas: Northern (milepost “MP” 141.5-172.3); Central (MP 91.8-141.5); and Southern (MP 0-91.8). For comparison purposes, the award is based on 80 hours regular time for work crew and equipment, as well as, hourly rates for operating a 20-ton capacity crane with skid steer and operator.

Review of all bid proposals found two bidder submissions as non-compliant and required rejection.

Recommend award be made to the lowest responsible bidders: Downes Tree Service Co., Inc. for the Northern and Central Areas in an amount not to exceed \$360,000; and to Asplundh Tree Expert Co. for the Southern Area in an amount not to exceed \$240,000, all subject to funding availability at time of service

The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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257E-09

Results of Bid Negotiations for Snow Plowing and Salting Services on Garden State

Parkway, RM 753 (Rebid), Two Bids Received: October 9, 2009.

Earlier this year, the Authority issued public bid solicitations for several contracts for snow plow and salting services on the Garden State Parkway commencing the 2009/2010 winter season. On two occasions, no bids were received for several areas on the Parkway. Thus, at the September 2009 Commission Meeting, and in accordance with the Authority’s enabling statute (N.J.S.A. 27:23-6.1.), approval was given to staff to negotiate those outstanding contracts with interested vendors in the affected areas. The contracts are for the three-year period beginning November 1, 2009 through April 30, 2012. The negotiated quotations are based on the hourly rates for the number of trucks and standby rates. Two vendors responded and the Maintenance and Purchasing staffs negotiated contracts for the ten Parkway areas and those awards are as follows:

Contractor	Contract	Anticipated Contract Expenditure
Joseph M. Sanzari Inc. Hackensack, NJ	LN-02-09 (Pascack Valley Tolls)	\$32,400
Joseph M. Sanzari Inc. Hackensack, NJ	LN-03-09 (Bergen Toll Plaza)	\$32,400
Joseph M. Sanzari Inc. Hackensack, NJ	LN-04-09 (Saddlebrook Toll Plaza)	\$16,200
Joseph M. Sanzari Inc. Hackensack, NJ	LN-05-09 (Interchange 165 Toll Plaza)	\$32,400
Joseph M. Sanzari Inc. Hackensack, NJ	LN-06-09 (Brookdale Service Area)	\$16,200
Joseph M. Sanzari Inc. Hackensack, NJ	LN-07-09 (Brookdale Toll Plaza)	\$16,200
Joseph M. Sanzari Inc. Hackensack, NJ	LN-10-09 (Bloomfield Toll Plaza)	\$16,200

Joseph M. Sanzari Inc. Hackensack, NJ	LN-12-09 (East Orange Toll Plaza)	\$32,400
A. Montone Construction Inc. Holmdel, NJ	LN-11-09 (Union Toll Plaza)	\$48,600
A. Montone Construction Inc. Holmdel, NJ	LN-11E-09 (Union Ramps)	\$16,200

The original contract terms may be extended for two additional one-year terms at the sole discretion of the Authority. Any succeeding term of the contracts will be adjusted yearly based on the Consumer Price Index (“CPI”) as designated in the average CPI for combined New York/Northern New Jersey and Philadelphia/Southern New Jersey areas. However, the maximum increase permitted for any year shall be 5%.

The Maintenance Department found that the negotiated rates were consistent with the bid prices for equipment, and reasonably priced for the standby times (which were fixed in the public bid solicitation). Accordingly, it is recommended that contracts for snow-plow and salting services be awarded to Joseph M. Sanzari, Inc. for the following Areas: LN-02-09; LN-03-09; LN-04-09; LN-05-09; LN-06-09; LN-07-09; LN-10-09; and LN-12-09 in an amount not to exceed \$194,400; and to A. Montone Construction Inc., for LN-11-09; and LN11E-09 in an amount not to exceed \$64,800, all subject to funding availability at the time of services.

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257F-09

Purchasing Director Ward announced a revision to the item dated October 19, 2009, which requested a delegation of authority to the Executive Director for the procurement of used DATIMs. She amended the memorandum to a **Recommendation to Award Public Bid Contract – TransCore Inc.** – Used Dual Automated Ticket Issuing Machines (DATIMs), R-64381, Budget Code 653010 040 600, Project 04008035.

The Tolls Collection Department (“Tolls”) utilizes DATIM entry and exit readers on the New Jersey Turnpike (“Turnpike”). Authority staff repairs and maintains the DATIMs. The parts needed to maintain DATIMs are expensive and scarce because relatively few toll roads utilize the DATIMs that are installed on the Turnpike.

At a recent national conference, Tolls personnel were made aware that a reliable vendor was planning to dispose of several used DATIMs (obtained from another State toll road agency). Tolls personnel determined that it would be in the Authority’s best interests to obtain the used DATIMs to provide a ready supply of spare parts. The cost of a new DATIM is approximately \$38,000. The Authority seeks to procure the used DATIMs for about \$500/each. There are parts in the used DATIMs which cost the Authority more than \$1,500/each to procure. The purchase of the used DATIMs will undoubtedly provide substantial cost savings to the Authority. The Departmental estimate is \$52,000 for the purchase of ninety-five (95) used DATIMs.

After legal review, it was determined that the Authority had to publicly bid the procurement of the used DATIMs. Thus, the contract was advertised in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order No. 37. Bids were distributed to two

vendors, including the manufacturer of the known used DATIMs. Bids were received on October 23, 2009 and one bid was received in the amount of \$55,176.

The vendor which currently owns the known used DATIMs, has informed staff that it must remove/dispose of the said equipment from the storage facility by October 28, 2009. Therefore, as this vendor is the sole bidder, staff requests that the award of contract be made immediately following the bid opening. This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117, and having no objection to same.

Accordingly, this procurement recommendation has been amended to request authorization to award a public bid contract to sole bidder TransCore Inc., Mechanicsburg, PA, for the purchase of ninety-five (95) Used Dual Automated Ticket Issuing Machines, in an amount not to exceed \$55,176.

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257G-09

In a memorandum dated October 15, 2009, concerning a recommendation to **Award a Professional Services Contract – Delcan Corporation** – for Intelligence Based Decision Support Software, for the Statewide Traffic Management Center Operations, Budget Code: 30000028.

Since March 2008, personnel from the Operations Department of the New Jersey Turnpike Authority (“Authority”), the New Jersey Department of Transportation (“NJDOT”) and the New Jersey State Police (Authority, NJDOT and State Police collectively, “STMC personnel”) have managed the state’s traffic operations from the Statewide Traffic Management Center (“STMC”) in Woodbridge, NJ. To assist STMC personnel in monitoring, analyzing, and improving roadway safety, security and mobility, the Authority issued a request for proposal for software and customized implementation services for an intelligence based decision support software (“STMC Core Software”) at the STMC. The STMC Core Software is intended to: 1) improve the consistency and efficiency of traffic management, incident detection and incident response; 2) improve the coordination between internal TMC operators and external agencies and response personnel; and 3) consolidate or replace the functionality of some of the existing systems to decrease the number of applications involved in traffic and incident detection and response.

On or about July 9, 2009, the RFP was advertised in two New Jersey newspapers and posted on the websites of the Authority, State of New Jersey, International Bridge, Tunnel and Turnpike Association, the Intelligent Transportation Society of America and the I-95 Corridor Coalition. In addition, a mandatory pre-proposal meeting was held on July 21, 2009 to provide uniform information to all prospective proposers. Thirty-two firms attended the pre-proposal meeting. On August 28, 2009, the Authority received proposals from the following eight firms: 1) ASTI Transportation Systems, Inc., New Castle, DE; 2) Delcan Corporation, Jefferson City, MO (“Delcan”); 3) IBI Group, Toronto, Canada; 4) ICX Transportation Group, Inc., New York, NY; 5)

Intelligent Systems, Inc., Newark, DE; 6) Siemens Energy & Automation, Inc., Austin, TX; 7) Telvent Farradyne Inc., Rockville, MD; and 8) Transdyn, Inc., East Rutherford, NJ.

The process for this professional services contract was conducted in accordance with N.J.S.A. 23:26-6.1, N.J.A.C. 19:9-2(b) and Executive Order No. 37. The Executive Director appointed an evaluation committee (the “Committee”) consisting of personnel from the Authority’s Operations and Technology and Administrative Services Departments, and the NJDOT’s Operations Department. The Committee also received technical assistance from HNTB, the Authority’s General Engineering Consultant. The Committee thoroughly reviewed and ranked the proposals based on the criteria set forth in the RFP. The six top ranked firms were invited to make oral presentations. These six firms were also asked to provide best and final price offers. Following the presentations, the Committee again ranked the firms. Delcan received the highest score of 82/100.

According to the Committee, Delcan proposed a modern, user-friendly, intelligence based software system. Delcan’s software system has the functionality desired by the Authority’s and NJDOT’s operational and technical personnel for managing traffic congestion, responding to incidents, operating and maintaining the roadway devices, and improving overall efficiency.

Delcan’s software has also been selected by nine other state traffic management centers and the firm received favorable references. Furthermore, the Delcan team includes firms registered and certified as New Jersey small, women and minority business enterprises proposed to receive up to seven percent of the contract. (Given the relatively large value of the contract, the proposed amount attributed to the State’s S/WMBE is significant.) Delcan’s price proposal is \$4,197,420 for the software licenses, interfaces and implementation services and \$522,300 for the first three years of software maintenance and support (with options for three additional years of software maintenance for \$211,500, \$217,500 and \$222,500, respectively.) The TAS staff found the proposed price to be reasonable in light of the system’s core technology, advanced capabilities and successful implementations for other statewide traffic management centers.

Authorization is requested to delegate authority to the Executive Director to execute such contract(s) as may be negotiated between the Authority and Delcan, along with a perpetual software license, 3-year maintenance license, software escrow agreement, and any other agreement needed to facilitate implementation of the referenced procurement consistent with the terms set forth above.

Accordingly, it is recommended that the professional services contract for the STMC Core Software be awarded to Delcan Corporation. The term of the contract will be for three years, with the contract and related agreements in an amount not to exceed \$4,719,720, subject to availability of funding at the time of services. This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee(s) pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 and having no objection to same. The Purchasing Department and Legal Counsel concur in this recommendation.

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257H-09

In a memorandum dated October 8, 2009, concerning a recommendation to **Award a Sole Source Contract – Agilence Inc.** – Video Transaction Data Multiplexing Digital Monitoring System (VTDM), Annual Software Support and Maintenance, RM-781

The video transaction data multiplexing digital monitoring system (“VTDM System”) is an auditing tool, consisting of video cameras, which record transactions in lanes. The VTDM System is currently installed on all Parkway plazas and all Turnpike exit plazas. The Electronic Toll Collection Department has requisitioned the renewal of the annual support agreement (“Support Agreement”) for the VTDM System for a term of three years. The services under the Support Agreement include, but are not limited to, software maintenance and upgrades; personal help desk; individual site surveys at each toll plaza; repair to minor connectivity issues; and recommendations for changes to existing video cameras. The annual cost for the services under the Support Agreement is \$135,000.

The VTDM System software licenses and professional services are copyrighted and proprietary to Agilence, Inc., and, thus, the related Support Agreement will be procured without advertisement as a sole source exception to the public bidding laws. This is the only vendor which has access to the source codes needed to debug, upgrade and support the VTDM System software. No other vendor is capable of providing the modifications required herein. In addition, this is an exceptional circumstance because the Authority relies solely on the VTDM System to provide essential auditing functions in the toll plazas.

Accordingly, authorization is requested to enter into a contract with Agilence, Inc., Camden, NJ, in an amount not to exceed \$405,000 for a three-year term for the support and maintenance to the VTDM System, as outlined herein. The award was made under the sole source procurement authorization of N.J.A.C. 19:9-2.2(d)1 as promulgated under N.J.S.A. 27:23-6.1 and Executive Order No. 37. The award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 and having no objection to the same. A resolution, as required by N.J.A.C. 19:9-2.2(d)1, follows as **Resolution 257H-09**:

RESOLUTION
SUPPORT AGREEMENT FOR
VIDEO AND TRANSACTION DATA MULTIPLEXING SYSTEM

WHEREAS, the Authority authorized the award of a contract to Agilence, Inc. for the installation of a digital video and transaction data multiplexing system (“VTDM System”) on all Parkway plazas and all Turnpike exit plazas; and

WHEREAS, the Electronic Toll Collection Department has requisitioned the renewal of the related support agreement (“Support Agreement”) for the VTDM System for a term of three years; and

WHEREAS, the Support Agreement will provide software maintenance and upgrades, personal help desk during working hours, individual site surveys, repair to connectivity issues and recommendation for changes to the existing video cameras for an annual cost of \$135,000; and

WHEREAS, the VTDM System is copyrighted and proprietary to Agilence, Inc., and therefore, is of a unique and confidential nature that will not permit a generic or standard specification for procurement through competitive solicitation by public advertisement; and

WHEREAS, the Authority may proceed with the procurement without public advertisement pursuant to N.J.A.C. 19:9-2.2(d)1 promulgated under N.J.S.A. 27:23-6.1 et seq.

NOW, THEREFORE, BE IT RESOLVED that the Authority authorize the award of contract to Agilence, Inc. for the Support Agreement for the VTDM System on the Turnpike and Garden State Parkway in an amount not to exceed \$405,000 (for three years), without public advertisement, pursuant to N.J.A.C. 19:9-2.2(d)1 promulgated under the Authority's enabling legislation N.J.S.A. 27:23-1 et seq.

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257I-09

In a memorandum dated October 15, 2009, concerning a recommendation to **Increase Authorized Amount of Contract No. 625 – MTJ Industries Inc.** – Repair, Modifications and Manufacture of Toll Equipment Parts.

At the February 5, 2007 Commission Meeting (Agenda Item 26A-07), authorization was granted to award a contract to MTJ Industries Inc., for the repair, modifications and maintenance of toll equipment parts in an amount not to exceed \$70,000. The contract was publicly bid and awarded 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.

The contract is in its second extension term and due to expire in March 2010. Contract funds are about to be depleted as Authority staff is repairing older toll equipment. Thus, the Tolls Department has requested that Contract No. 625 be increased by \$10,000 to purchase essential parts before the contract expires.

Accordingly, authorization is requested to increase Contract No. 625 with MTJ Industries, New Rochelle, NY, by \$10,000 bringing the new authorized total to an amount not to exceed \$80,000.

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257J-09

In a memorandum dated October 13, 2009, concerning a recommendation to **Increase Authorized Amount of Contract No. 1201 – National Automated Solutions** – Repair and Maintenance of Security Gates.

At the May 27, 2009 Commission Meeting (Agenda Item 135D-09), authorization was granted to award a contract to National Automated Solutions (the "Contractor"), for the repair and maintenance of 22 security gates at Maintenance Districts along the New Jersey Turnpike. The contract was awarded 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. The contract was for the period August 12, 2009 through August 11, 2010, in an amount not to exceed \$50,000. After the Contractor commenced work on this contract, Internal Audit staff learned that the first nine gates which were repaired were in greater need of repairs, requiring more time and resources than anticipated when the project was bid. . As a result, Internal Audit staff requested a more detailed survey of the

remaining 13 gates to identify the extent of needed maintenance. Internal Audit Staff has determined that an additional \$20,000 would suffice to complete the planned work, namely, repairs at the high priority maintenance yards. Additional work can be completed if the Authority opts to extend the contract for the two one-year renewals.

Accordingly, authorization is requested to increase Contract No. 1201 with National Automated Solutions, Bethlehem, PA, for the period through August 11, 2010 by \$20,000. This will bring the new total authorized to an amount not to exceed \$70,000.

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257K-09

In a memorandum dated October 15, 2009, concerning a recommendation to **Extend Contract No. 456 – Siemens Building Technologies Inc. t/a Siemens Fire Safety (“Siemens”) – Service and Maintenance of Heating and Air Conditioning Controls for the Turnpike.**

At the January 31, 2006 Commission Meeting (Agenda Item #18D-06), authorization was granted to award a contract to Siemens for the maintenance of heating and air conditioning controls (“HVAC”) at all New Jersey Turnpike facilities for a 15-month period in an amount not to exceed \$247,875.00. The contract provided for 2 one-year extension periods. (The contract was publicly bid in accordance with N.J.S.A. 27:23-6.1) The Authority exercised both options. The second option expiring on May 30, 2009. In order to establish a new contract, the Authority publicly advertised and subsequently awarded a contract for HVAC services at the June 2009 Commission Meeting (Agenda Item 163F-09).

The HVAC contract was awarded to the apparent low bidder. Following the award, the second low bidder filed a notice protesting the bid award. Pursuant to the Authority’s Regulations, the ongoing procurement process was suspended pending resolution of the protest. In the meantime, the Maintenance Department has had several HVAC repair work orders, including urgent heating equipment malfunctions at Toll Interchanges Nos. 1 and 16/18E. These repairs have to be addressed immediately. Thus, the Maintenance Department has requested that Contract No. 456 be extended through year-end. There are sufficient funds remaining in the contract to cover these services, thus no additional monies are required.

Accordingly, authorization is requested to extend Contract No. 456 with Siemens Building Technologies, Inc. t/a Siemens Fire Safety, Pine Brook, NJ, through December 31, 2009.

Reviewed by the Law Director, available funds certified by the Comptroller as appropriate, the Executive Director certified the recommendations for consideration.

On motion by Commissioner DuPont, seconded by Commissioner Diaz, the Authority approved the eleven (11) item Purchasing agenda; and authorized, as presented and amended, the recommendations contained therein; and received and filed the memoranda.

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GENERAL BUSINESS

258-09

Deputy Law Director Cavanaugh presented a memorandum dated October 22, 2009, concerning the **Ratification of Placement of Certain Insurance including the Professional Errors and Omissions Coverage for the Turnpike Interchange 6 to 9 Widening Program, Owner Controlled Insurance Program; and the Authority's Rolling Construction Owner Controlled Insurance Program (together the "OCIPs")**.

By Agenda Item 137-09 at the May 27, 2009 Commission Meeting, the Commissioners delegated the authority to the Executive Director to place and bind certain insurance coverages with respect to the Authority's two (2) Owner Controlled Insurance Programs.

Subsequently the staff worked diligently with the Risk Strategies Company, the Authority's Broker for the 6-9 Widening Program and with Allied North America, the Authority's Broker for the Rolling Construction Program, to finalize these coverages. By Agenda Item 164-09 at the June 30, 2009 Commission Meeting, the Commissioners ratified the actions taken by the Executive Director with respect to the place of the coverages. However, the specific coverage details of the Professional Errors and Omissions coverage for the Widening Program and the Rolling Construction Program were not finalized at that time and could not be presented to the Commissioners in detail.

As to the Widening Program, Professional Errors and Omissions coverage is being provided for all consultants and subconsultants working on the Widening Program. With respect to the three (3) construction Managers, HNTB, Stone & Webster, and a tri-venture consisting of DMJM, GPI and PBAmericas, and their respective subconsultants, Primary Errors and Omissions coverage has been placed with Catlin Specialty Insurance Company. The five year premium for this coverage is \$894,000.00. The coverage will provide a maximum limit of \$15 million per claim and \$15 million in the aggregate with a deductible of \$500,000 per claim. With respect to these consultants and subconsultants, the Authority has secured an excess layer of coverage in the amount of \$5 million per claim and \$15 million in the aggregate to apply in addition to the required Primary \$2 million Errors and Omissions coverage required of each consultant and subconsultant pursuant to the terms of the Authority's specifications. This coverage enures to the benefit of the Authority only. This coverage has been placed with Ironshore Specialty Insurance Company with a five year premium for this coverage of \$275,000.00. With respect to the design professionals working on the Widening Program, and their respective subconsultants, Primary Errors and Omissions coverage has been placed with Catlin Specialty Insurance Company. The five year premium for this coverage is \$826,875.00. The coverage will provide a maximum limit of \$10 million per claim and \$10 million in the aggregate with a deductible of \$500,000 per claim. With respect to the design consultants and subconsultants, the Authority has secured an excess layer of coverage in the amount \$10 million per claim and \$10 million in the aggregate. This coverage

has been placed with Ironshore Specialty Insurance Company with a five year premium for this coverage of \$400,000.00.

As to the Rolling Construction Program, Professional Errors and Omissions coverage, since professional coverage was already in place for consultants who worked on Parkway design projects, the most practical and economical approach was to continue such coverage with Zurich. This policy currently provides Errors and Omissions professional liability coverage for all architects, engineers, land surveyor and planners. The existing policy was expanded to provide similar coverage to all Consultants who enter into Orders for Professional Services to perform work on Turnpike projects, new Parkway projects and projects which encompass both Roadways for a period of three years from August 31, 2009 through August 30, 2012. The limit of liability is \$20,000,000 per occurrence and \$20,000,000 in the aggregate. The deductible remains at \$100,000 for each claim on projects with construction values of \$50,000,000 or less and \$250,000 for each claim on projects with construction values of greater than \$50,000,000. The premium for this coverage is \$2,663,919, plus a mandatory NJPLIGA charge of \$23,975, for a total payment of \$2,687,894.

As part of the coverage for the Rolling Construction Program, the Commissioners also authorized a payment for the placement of Excess Liability Insurance, including TRIA, in a total amount of \$100,000,000 over the primary limit with \$25 million placed with national Union Fire Insurance Company of Pittsburgh, Pa. and \$75 million with Lloyds. The amount of payment authorized to Lloyd's was \$1,275,000 plus required New Jersey surcharges and assessments in the amount of \$38,250 for a total amount of \$1,313,250. Shortly after authorization the amount of the New Jersey surcharges and assessments as required by statute were increased, thereby requiring an additional payment of \$25,500.

Therefore, it is requested that the Commissioners ratify, authorize and approve in all respects the placement of the policies as set forth above, and the payment of premiums in the amounts set forth above.

Available funds certified by the Comptroller, the Executive Director certified the recommendation for consideration.

On motion by Commissioner Cummis, seconded by Commissioner DuPont, the Authority unanimously approved the recommendation; ratified the Placement of Certain Insurance Coverage for the OCIPs, as presented; and received and filed the memorandum.

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259-09

Finance Comptroller Donna Manuelli presented the **Financial Summary** of the New Jersey Turnpike Authority for the Nine Months ended September 30, 2009.

On motion by Commissioner Pocino, seconded by Commissioner DuPont, the Authority's financial report was unanimously accepted and received for file.

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260-09

Resume of All Fatal Accidents – Garden State Parkway and New Jersey Turnpike.

Submitted by Operations Director Hill, they contain a descriptive summary for the Period 1/1/09 to 10/14/09, together with 2008 – 2009 Yearly Comparisons for the nine months through September 2009.

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

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261-09

New Jersey State Police Troops D and E - Reports of Activities for the nine months through September 2009, including 2008 – 2009 Yearly Comparisons, were submitted by Major Walker, New Jersey State Police Troop D Commander.

On motion by Commissioner Cummis, seconded by Commissioner Pocino, the Authority unanimously accepted the reports and received for file.

Major Walker then expressed many thanks to the Executive Director and Commissioners with specific reference to the new State Police Station, near Parkway Exit 116 in Holmdel, which is now supporting Troop E.

Executive Director Gutierrez-Scaccetti spoke on the same subject by acknowledging how everyone worked together to accomplish completion of the new Troop E State Police Headquarters. Naming, in particular, Directors Jim Carone of Internal Audit, John Cifelli of Maintenance and Brian Gorman of Technology and Administrative Services, she said that she recognized the effort expended to move Troop E into their new headquarters.

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At this juncture, the Chairman announced that beginning with today's meeting a new forum will be added whereby a monthly report will be presented by the Executive Director on some of the important things going on at the Turnpike Authority that may not necessarily be items on the agenda. A summation of the Executive Director's report is as follows:

- ♦ Traffic Planning: Success was realized from the planning for the recent high capacity multiple sports events occurring within a close time-frame of each other at the northern areas of the Turnpike and Parkway roadways. Additional success is expected with the high-level traffic volume anticipated during the upcoming Baseball World Series (dubbed the "Turnpike Series") that will affect both the northern and southern portions of the New Jersey Turnpike roadway.
- ♦ Prime and Small Business Enterprise (SBE) Contracting Forum: The Authority expects to award a lot of work in the coming years, and \$1.6 billion worth of contracts by the end of next year as a result of the widening projects and the balance of the capital program. Beyond our obligation to make a good-faith effort to award 25% of work to small business, last week the Authority met Governor Corzine's challenge to assure that those business opportunities are available to the widest possible range of small businesses. We provided a workshop that brought

together large and small businesses with presentations, networking opportunities, panel discussions over contracting requirements and outreach tools for both Prime and SBE contractors. It is the hope that some SBEs will grow to be Prime and also that fruitful business partnerships will be formed out of the multi-size business forum arranged by the Authority.

♦ Traffic Numbers: 1) revenues are exceeding projections and 2) while commercial traffic on the Turnpike is still down compared to 2008, September was the second straight month when the decline was less than the previous month. We interpret this as a positive sign for the economy.

♦ Safety Improvements: Parkway mileposts 80 to 100; mileposts 7 to 11; and milepost 0 have, together with a lower speed limit and other law enforcement efforts from Troop E, contributed to a reduction in the number and/or seriousness of accidents in those areas. In addition, approved by the Board today, at milepost 94.6 will be the construction of the Herbertsville Bus and Truck Inspection Facility which will provide the State Police with a place to conduct sophisticated safety inspections of trucks and buses using the Parkway while providing patrons with the necessary amenities to wait while such inspections are conducted.

♦ Series 2009 Bonds: The Series 2009G Bond sale closed on October 13 which was a \$34.7 million offering that the Authority used to refund debt from the Series 2000A Bonds. We were able to take advantage of favorable market conditions and expect to save about \$5.3 million in debt service as a result. The next immediate transaction will be the 2009H Bonds and shortly thereafter will be the 2009I Bonds.

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Upon conclusion of the Authority agenda, Chairman Dilts opened the floor to public comment on other matters.

Frank Forst, Consultant for Local 194 I.F.P.T.E, spoke to bring attention to the early snow fall in Sussex County and to commend the Turnpike personnel who handled the unexpected event so well. He continued by conveying his pride in the “esprit de corps” that exists in the maintenance department for keeping the roadway clean and dry.

There were no further comments from the floor.

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The motion to adjourn was made by Commissioner DuPont, seconded by Commissioner Pocino and, after the voice vote, the motion was duly adopted. The Authority adjourned at 10:12 A.M., to meet at the new State Police Troop E Headquarters in Holmdel, NJ, on Wednesday, December 16, 2009, at 9:30 A.M.

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The Secretary acknowledges receipt of the following documents for file:

ADDITIONAL REPORTS:

REPORT OF PURCHASES – under Executive Directors Delegated Authority (EDDA) Resolution 40-95, for the one-month period: September 1 through September 30, 2009.

REPORT OF UTILITY ORDERS – under EDDA 117-05, modified by EDDA 150-09; Dated for October 27, 2009.

REPORT SUMMARY OF CONTRACT CHANGE ORDERS; only for Type 1 and Type 2 – Period September 12, 2009 through October 8, 2009; Dated for October 27, 2009.

REPORT OF CONSTRUCTION PROGRESS – Period Ending October 9, 2009; Dated for October 27, 2009.

Rose Stanko
Secretary

APPROVED:

Stephen Dilts, Chairman and NJ Department of Transportation Commissioner

Michael R. DuPont, Treasurer

Harold L. Hodes, Commissioner

David G. Evans, Commissioner

Raymond M. Pocino, Commissioner

Clive S. Cummis, Commissioner

Troy Singleton, Commissioner

Ulises E. Diaz, Commissioner