

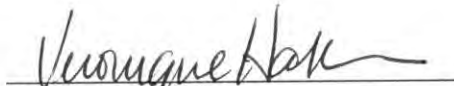
CERTIFICATION  
OF  
NEW JERSEY TURNPIKE AUTHORITY

I, Veronique Hakim, hereby certify that I am the Executive Director of the New Jersey Turnpike Authority and as such Executive Director certify that the attached copy of PROCEEDINGS OF THE NEW JERSEY TURNPIKE AUTHORITY is a true and correct copy of the Minutes of the June 28, 2011 Regular Meeting of the Authority.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the official seal of the New Jersey Turnpike Authority this 30<sup>th</sup> day of June, 2011.

ATTEST:

  
Sheri Ann Czajkowski  
Assistant Secretary

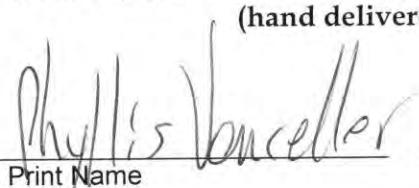
  
Veronique Hakim,  
Executive Director

Corporate Seal

Date: June 29, 2011

Received in the Governor's Office on June 30, 2011  
(hand delivered)

Received  
by:

  
Print Name

  
Signature

Time:

12:00 pm 6/30/11

Veto Period Ends:

July 15, 2011  
(Write in the date the veto period ends)

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY  
COMMISSION MEETING  
TUESDAY, JUNE 28, 2011**

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Chairman James S. Simpson called the Authority into session in the Executive Boardroom of the Authority's Administration Offices, Woodbridge, New Jersey, at 9:30 A.M.

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**PRESENT**

Present were Chairman James S. Simpson, Vice Chairman Ronald Gravino, Treasurer Michael DuPont; Commissioner Harold Hodes; Commissioner Raymond Pocino; Commissioner Troy Singleton; and Commissioner Ulises Diaz. The meeting commenced at 9:30 a.m.

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**ALSO PRESENT**

Executive Director Veronique Hakim; Deputy Executive Director John O'Hern; Chief Engineer Richard Raczynski; Acting Director of Law Linda Cavanaugh; Electronic Toll Collection Director Dennis Switaj; Chief Financial Officer Donna Manuelli; Human Resources Director Mary-Elizabeth Garrity; Director of Internal Audit James Carone; Assistant Director of Maintenance Joseph Lentini; Director of Operations Sean Hill; Purchasing Director Andrea Ward; Acting Director of Technology and Administrative Services Stephen Ehrmann; Tolls Director Robert Quirk; Chief of Staff Megan Mulcahy; NJ State Police Troop D Acting Major Pam Elliott, and Assistant Secretary to the Authority Sheri Ann Czajkowski.

Also present were: Governors' Authorities Unit Representative Brandon Minde; ; Ryan Feeney, Manager of Public Finance State Treasurer's Office, additional individuals consisting of other NJTA employees; interested organizations; the general public; and from the media: the Star Ledger and Asbury Park Press.

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**NOTICE OF MEETING**

This is a regular meeting of the New Jersey Turnpike Authority. Adequate notice of this meeting has been provided in accordance with Chapter 231, P.L. 1975 in that notice has been given to 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.

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**ACTION ON MINUTES**

The Executive Director reported that ten days, excluding Saturdays, Sundays and holidays, have elapsed since Governor Chris Christie received the proceedings of the regular meeting of May 24, 2011; he did not exercise his power to veto any items in those minutes.

Upon motion made by Commissioner Pocino and seconded by Vice Chairman Gravino the minutes of the meeting was unanimously approved.

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**RECUSALS**

The Executive Director 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 the following items:

**Commissioner Pocino:** 202-06-2011 through 213-06-2011

**Commissioner Singleton:** 203-06-2011 through 205-06-2011

**Commissioner Hodes:** 228-06-2011

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**PUBLIC COMMENT**

Chairman Simpson opened the floor to public comment on matters relating to the current agenda and all other matters.

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**No Public Comments**

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**EXECUTIVE SESSION**

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

- A. Personnel;
- B. Purchase, Lease or Acquisition of Real Property;
- C. Pending or Anticipated Litigation; and/or
- D. Contract Negotiations.

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

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Executive Session was adjourned at 9:40 a.m.; Chairman Simpson resumed the public portion of the meeting.

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**REMARKS**

Chairman Simpson expressed his condolences regarding the recent passing of John Cifelli, Director of Maintenance. He asked for a moment of silence, which was observed.

Chairman Simpson indicated that the past two (2) winters have been among the harshest the State has had and they have been difficult both financially and operationally. The December 2010 blizzard began on the 26<sup>th</sup> and the snow stopped on the 27<sup>th</sup>. But the snow was not cleared from all of the State's roads until New Year's Eve. During the snow storms, the STMTC was used extensively by the NJTA and DOT to coordinate their snow fighting efforts. During the December 2010 Blizzard, the DOT forces were very thin and there were not enough resources to clean up the State. On Wednesday morning December 28<sup>th</sup>, Chairman Simpson asked John Cifelli to be in charge of the Monmouth County region of the DOT snow removal operation. With his leadership and management skills, Cifelli had the Monmouth County roads cleared in two (2) days. At the time he asked Cifelli to take over the Monmouth County Operation, Chairman Simpson was unaware that Cifelli has recently completed a round of chemotherapy and was still feeling the effects of the treatment. Yet Cifelli never mentioned his medical condition and took on the task to clean up Monmouth County.

Chairman Simpson brought Cifelli's good work to Governor Christie's attention. Even recently, the Governor inquired with the Chairman regarding Cifelli's medical condition. Chairman Simpson asked Governor Christie to allow the Authority to remember John Cifelli by naming the STMTC after him. Chairman Simpson believes that remembering Cifelli in such a way will allow his example of leadership, teamwork, and respect never to be forgotten and will strengthen the Authority and the State.

ED Hakim commented that Cifelli was a good man and had a great work ethic. She reported that the following special broadcast, which was made over the Authority's radio system, was made in John Cifelli's honor: "The Administration and the employees of the New Jersey Turnpike Authority offer our condolences on the passing of John Cifelli, TPA 90. John served the Turnpike faithfully for twenty-two (22) years and was a dedicated coworker and friend and was loved and respected by all who knew him. It was this dedication to the Authority that he once again displayed this past winter when he could have easily taken a well-deserved step back but

he instead stepped up to the challenge for all of us to follow. TPA 90 is off the Pike may he rest in peace."

During his final days, Cifelli asked to see Chairman Simpson. At the hospital, Chairman Simpson told Cifelli that the Authority was going to name the STMTC in his honor. Cifelli remarked, "That's not necessary, it was just a day's work." This is the kind of man that John Cifelli was and he will be dearly missed.

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## HUMAN RESOURCES

Director of Human Resources Mary-Elizabeth Garrity requested approval of item 197-06-2011. Vice Chairman Gravino expressed his gratitude for the extra efforts of the Human Resources, Finance and Executive Departments with the many retirements that happened this month. Moved is the item as follows:

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### 197-06-2011

Human Resources Director Garrity submitted the **Personnel Agenda**, dated June 28, 2011, and requested confirmation of the personnel matters contained therein. The Executive Director certified the recommendations for consideration.

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

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## LAW

Assistant Director of Law Linda Lordi Cavanaugh requested approval of items 198-06-2011 through 201-06-2011. Moved as a group those items are as follows:

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### 198-06-2011

In a memorandum dated June 14, 2011, a **Recommendation for Ratification of Action taken to Date and Approval of Action Required for Acquisition of Property Interests Required for the New Jersey Turnpike Authority Interchange 6-9 Widening Program, including Property Interests Designated as "Preserved Farmland" Pursuant to N.J.S.A. 4:1C-11 and Property Interests Designated as Green Acres, Acquisition of 23 Properties, Reimbursement for Damages and/or Anticipated Construction Costs, 2009 Capital Construction Program, in the amount of \$1,682,759.36,** was approved.

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 New Jersey Turnpike Authority have 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 the last Commissioner's meeting, the Authority has taken final action with respect to the following properties.

**I. Settled Acquisitions, Reimbursement for Damages and Relocation Benefits:** 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 or the settlement of any claims related to said acquisitions based on this appraised value and in compliance with the laws governing its powers of eminent domain. Negotiations continued and settlement of all terms was agreed upon, either before or just after Condemnation complaints were filed. The following is a description of each property for which the parties have finalized negotiated terms of sale or other

## terms of settlement:

1. Turnpike Design Section 1, Turnpike ROW Section 3D  
Parcel No. AE181, Portion of Block 800.04, Lot 1 (Partial Taking)  
Turnpike Crossing Over Mill Lane, Mansfield Township, Burlington County  
Owner: Board of Chosen Freeholders of the County of Burlington  
Amount: \$3,000.00 **(\$1,250.00 previously approved for condemnation; \$1,750.00 in additional funds required for settlement).**

The subject property is vacant land containing an area of 2.18 acres (the "Property"). The Authority must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) two aerial easements located along both sides of the Turnpike to carry it across the Property, along with the right to attach fiber optic cables to the proposed bridge structure within the aerial easement, impacting a total of 0.132 acres of the Property and designated as Parcels AE181 and 2AE181; (2) a utility easement consisting of the right to install and maintain a pipeline for Transcontinental Gas Pipeline Corporation, impacting 0.016 acres of the Property to be designated as Parcel UE181; (3) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Mill Lane, impacting 0.043 acres of the Property to be designated as Parcel E181; (4) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of the relocated pipeline, impacting 0.031 acres of the Property to be designated as Parcel C181; and (5) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of the relocated pipeline, impacting 0.026 acres of the Property to be designated as Parcel 2C181.

2. 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  
Owners: David J. DiStefano, Jr. & Deborah A. DiStefano  
Amount Damages: \$275,560 **(\$224,000 previously approved for condemnation; \$51,500 in additional funds is required for damages)**

The subject property currently consists of 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 interest in the Property which will hereafter be referred to as the "Property Interest": (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. Although this matter is not settled with respect to the compensation for the required Property Interest, due to the Authority's construction schedule, fencing located on the property needed to be relocated without delay for a cost of \$51,500.

3. Turnpike Design Section 2, Turnpike ROW Section 3E  
Parcel 273B, Block 203, Lot 3.01 (Full Taking)  
227 Bordentown-Crosswicks Road, Chesterfield Township, Burlington County  
Owner: Harry Cummings  
Amount Relocation Costs: \$381,972.41 **(\$375,000 previously approved for condemnation and settlement for the entire parcel; \$6,972.41 in additional funds are required for relocation costs)**

The property currently consists of 3.84 acres of land improved with a 1,555 square foot, single family residence (the "Property"). The Authority originally acquired a portion of the Property and subsequently purchased the entire Property. All of the acquisitions were submitted to the Authority's Commissioners for authorization/ratification under Agenda Items 3-10, 243-10 and 003-01-2011. This agenda item merely seeks authorization for moving costs required under the Relocation Statute in the amount of \$6,972.41.

4. Turnpike Design Section 1, Turnpike ROW Section 3D  
Parcel No. C212, Block 51.01, Lot 2.02 (Partial Taking)  
1410 Hedding Road, Mansfield Township, Burlington County  
Owner: William R. Airing  
Amount: \$3,000 **(\$1,000.00 previously approved for settlement; \$2,000.00 in additional funds are required)**

The property currently consists of 1.103 acres of land improved with a two-story residence (the "Property"). The NJTA must acquire the following interest in the Property

which will hereafter be referred to as the "Property Interest": (1) a temporary construction easement consisting of the right to perform construction related activity of use during the construction of a proposed driveway, impacting 0.005 acres of the Property designated as Parcel C212. The original temporary construction easement was for a period of 6 months. The additional funds requested are required in order to extend the temporary construction easement for an additional 12 months.

5. Turnpike Design Section 7, Turnpike ROW Section 4K  
Parcel No. RC1156, Block 10, Lot 10 (Partial Taking)  
An Unnumbered Property Located Along Hightstown-Cranbury Station Road,  
Township of Cranbury, Middlesex County  
Owner: Cranbury Brickyard, LLC  
Amount: \$31,992.00 **(This amount includes settlement of taking of the Property Interest described below plus reimbursement of out-of pocket expenses including engineering, legal and other incidental costs as a result of temporary taking and re-design of same)**

The property currently consists of a 373.62 acre industrially zoned vacant lot (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of re-grading a drainage swale, impacting 1.155 acres designated as RC1156. It should be noted that this Property is subject to an approved Remedial Action Work Plan by the NJDEP and is contaminated with Munitions and Explosives of Concern ("MEC"), which pose a threat to safety requiring special training prior to entry. This encumbrance has resulted in extensive redesign and expenses incurred by the property owner.

6. Turnpike Design Section 2, Turnpike ROW Section 3E  
Parcel Series E266, Block 100, Lot 2 (Partial Taking)  
4 Daniel Avenue, Chesterfield Township, Burlington County  
Owners: Mark and Jennifer Russello  
Amount Damages: \$5,219.95 **(\$500 previously approved for settlement; \$4,719.95 in additional funds is required for reimbursement of expenses)**

This property currently consists of 0.703 acres of land improved with a two-story, single family residence with a two car garage. The Authority must acquire the following interest in the aforesaid Property: (1) slope easement consisting of the right to form and maintain slopes for grading and draining Bordentown-Chesterfield Road and Daniel Avenue, impacting 0.011 acres (500 square feet) of the Property to be designated as Parcel E266. This acquisition was previously authorized by the Authority's Commissioners under Agenda Item No. 3-10 for \$500.00. Since that time, additional modifications to the design were deemed necessary causing the property owners to incur expenses for engineering and legal fees in the amount of \$4,719.95.

7. Turnpike Design Section 2, Turnpike ROW Section 3E  
Parcel Series E293, Block 108, Lot 2.01 (Partial Taking)  
182 Bordentown-Crosswicks Road, Chesterfield Township, Burlington County  
Owners: Frank J. and Josephine Herdt  
Amount: \$6,000

This property currently consists of 12.53 acres of office park zoned vacant lot (the "Property"). The Authority must acquire the following interest in the aforesaid Property: (1) slope easement consisting of the right to form and maintain slopes for grading and draining Bordentown-Crosswicks Road, impacting 0.238 acres of the Property to be designated as Parcel E293.

8. Turnpike Design Section 2, Turnpike ROW Section 3E  
Parcel Series 277B, Block 203, Lot 2 (Entire Taking)  
231 Bordentown-Crosswicks Road, Chesterfield Township, Burlington County  
Owner: Jimmy R. Mitchell  
Amount: \$400,000 **(\$2,400 was previously approved for settlement of a partial taking, redesign resulted in entire take which requires an additional \$397,600 for settlement)**

The property currently consists of 2.22 acres of land improved with a 2-story 1,040 square foot, single family residence with a 415 square foot unfinished foundation and detached 2,765 square foot detached garage (the "Property"). A partial taking of a slope easement on this property was previously authorized by the Authority's

Commissioners under Agenda Item No. 3-10 for \$2,400.00. A subsequent redesign resulted in an entire taking of the property. As a result, additional funds in the amount of \$397,600 are sought to settle the entire taking.

The acquisitions in Section I above do not involve property 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 has this property 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.*

**II. Settled SADC Acquisitions.** Agenda Item 70-10 describes in detail the process that the Authority undertook in order to purchase property interests it required for the Widening Program that were designated as farmland within an Agricultural Development Area ("ADA") or Preserved Farmland. Below are such properties for which the Authority has reached settlements with both the property owners and SADC. As was previously submitted to the Authority's Commissioners, 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. The settled property acquisitions below include both: (1) "friendly condemnations" where the Authority was able to reach a settlement with the Property Owners, but commenced condemnation proceedings to resolve the monetary compensation with the SADC; and (2) condemnation actions that could not be settled prior to the commencement of condemnation proceedings with either the property owner or the SADC, but that were eventually settled with both parties. In addition, the below matters include any other damages ascertained or expenses incurred by the owners as a result of the Authority's property acquisitions. The following is a description of said properties:

1. Turnpike Section 5, ROW Section 4H  
Parcel Series 1037H, Block 43, Lots 1, 4, 4.01, 6, 7 & 9 (Partial Taking)  
619, 649 & 659 Windsor-Perrineville Road and 920 & 970 Old York Road  
East Windsor Township, Mercer County  
Owners: Randall Peck and Laura Peck  
Amount: \$45,000 (**\$30,000 (SADC \$22,758.00 / Owners \$7,242.00) was previously approved for condemnation; \$15,000 (SADC \$11,379 / Owners \$3,621.00) in additional funds are required for settlement**)

The property currently consists of 68.057 acres of preserved farmland (the "Property"). The owners acquired the Property by deed from the State of New Jersey, State Agricultural Committee, on March 31, 2004 for \$285,000.00 (also includes Lots 10, 12 & 13) in a deed recorded in Deed Book 4772, Page Number 290. The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.717 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel R1037H; (2) a utility easement consisting of the right to install and maintain Colonial Pipeline, impacting 0.771 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel RUE1037H; (3) a temporary construction easement consisting of the right to enter upon the remaining lands of the owners with personnel, materials and equipment in order to construct a petroleum pipeline and appurtenances, impacting 0.623 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel RC1037H; (4) a permanent easement fill for flood control purposes, specifically the acquisition of the owners' right to place embankment, or to grade elevation or to contour the flood fringe area without consent of the New Jersey Turnpike Authority or to erect any permanent buildings or structures; but to allow its use for recreational, landscaping or other passive use which does not decrease the storage capacity of the Flood Fringe Area, impacting 0.085 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel F1037D; (5) a permanent easement fill for flood control purposes, specifically the acquisition of the owners' right to place embankment, or to grade elevation or to contour the flood fringe area without consent of the New Jersey Turnpike Authority or to erect any permanent buildings or structures; but to allow its use for recreational, landscaping or other passive use which does not decrease the storage capacity of the Flood Fringe Area, impacting 0.079 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel F1037E; (6) a temporary construction easement consisting of the right to enter upon the remaining

lands of the owners in order to construct grading, top soiling and seeding, impacting 0.106 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel C1037E; (7) a temporary construction easement consisting of the right to enter upon the remaining lands of the owner in order to construct grading, top soiling and seeding, impacting 0.001 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel C1037F; and (8) a temporary construction easement consisting of the right to enter upon the remaining lands of the owners in order to construct grading, top soiling and seeding, impacting 0.065 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel C1037G.

2. Turnpike Section 5, ROW Section 4H  
Parcel Series 1037A, 1037B & 1037C, Block 43, Lots 10, 12 & 13  
(Partial Taking) 585, 589 & 603 Perrineville Road East Windsor  
Township, Mercer County  
Owners: Randall Peck and Laura Peck  
Amount: \$96,896 (**\$16,000 (SADC \$12,138.00/Owner \$3,862.00) was previously approved for condemnation; \$76,896 in crop damages was subsequently approved; \$4,000 (SADC \$3,034.00/Owners \$966.00) in additional funds is required for settlement**)

The property currently consists of 4.416 acres of vacant preserved farmland (the "Property"). The owners acquired the Property by deed from the State of New Jersey, State Agricultural Committee, on March 31, 2004 for \$285,000.00 (also includes Lots 1, 4, 4.01, 6, 7 & 9) in a deed recorded in Deed Book 4772, Page Number 290. The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.123 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel R1037A; (2) a fee simple interest in 0.024 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel 1037B; (3) a fee simple interest in 0.048 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel 1037C; (4) a slope easement consisting of the right to form and maintain slopes for grading and draining Perrineville Road, impacting 0.014 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel E1037A; (5) a slope easement consisting of the right to form and maintain slopes for grading and draining Perrineville Road, impacting 0.049 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel E1037B; (6) a utility easement consisting of the right to install and maintain Colonial Pipeline, impacting 0.264 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel RUE1037A; (7) a utility easement consisting of the right to install and maintain Colonial Pipeline, impacting 0.104 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel RUE1037B; (8) a utility easement consisting of the right to construct, reconstruct, operate, inspect, renew, replace, improve, maintain, redesign, alter, relocate, extend and remove overhead and ground facilities, and as may be deemed necessary or convenient by the Grantee or its assigns, for electric, CATV and communication purposes, for the use and benefit of the land and/or adjacent lands beyond the property, impacting 0.034 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel 2UE1037B; (9) a utility easement consisting of the right to construct, reconstruct, operate, inspect, renew, replace, improve, maintain, redesign, alter, relocate, extend and remove overhead and ground facilities, and as may be deemed necessary or convenient by the Grantee or its assigns, for electric, CATV and communication purposes, for the use and benefit of the land and/or adjacent lands beyond the property, impacting 0.013 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel UE1037C; (10) a utility easement consisting of the right to construct, reconstruct, operate, inspect, renew, replace, improve, maintain, redesign, alter, relocate, extend and remove overhead and ground facilities, and as may be deemed necessary or convenient by the Grantee or its assigns, for electric, CATV and communication purposes, for the use and benefit of the land and/or adjacent lands beyond the property, impacting 0.018 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel 2UE1037C; (11) a utility easement consisting of the right to install and maintain utility guy wire and anchor,

impacting 0.003 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel 3UE1037C; (12) a temporary construction easement consisting of the right to enter upon the remaining lands of the owner with personnel, materials and equipment in order to construct a petroleum pipeline and appurtenances, impacting 0.883 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel RC1037B; (13) a temporary construction easement consisting of the right to enter upon the remaining lands of the owner with personnel, materials and equipment in order to construct a petroleum pipeline and appurtenances, impacting 0.128 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel C1037C; (14) a temporary construction easement consisting of the right to enter upon the remaining lands of the owner with personnel, materials and equipment for use during the construction of drainage inlets, pipes and appurtenances, impacting 0.011 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel 2C1037C; (15) a permanent easement fill for flood control purposes, specifically the acquisition of the owner's right to place embankment, or to grade elevation or to contour the flood fringe area without consent of the New Jersey Turnpike Authority or to erect any permanent buildings or structures; but to allow its use for recreational, landscaping or other passive use which does not decrease the storage capacity of the Flood Fringe Area, impacting 0.002 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel F1037A; (16) a permanent easement fill for flood control purposes, specifically the acquisition of the owner's right to place embankment, or to grade elevation or to contour the flood fringe area without consent of the New Jersey Turnpike Authority or to erect any permanent buildings or structures; but to allow its use for recreational, landscaping or other passive use which does not decrease the storage capacity of the Flood Fringe Area, impacting 0.001 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel 2F1037A; (17) a permanent easement fill for flood control purposes, specifically the acquisition of the owner's right to place embankment, or to grade elevation or to contour the flood fringe area without consent of the New Jersey Turnpike Authority or to erect any permanent buildings or structures; but to allow its use for recreational, landscaping or other passive use which does not decrease the storage capacity of the Flood Fringe Area, impacting 0.007 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel F1037B; (18) a permanent easement fill for flood control purposes, specifically the acquisition of the owner's right to place embankment, or to grade elevation or to contour the flood fringe area without consent of the New Jersey Turnpike Authority or to erect any permanent buildings or structures; but to allow its use for recreational, landscaping or other passive use which does not decrease the storage capacity of the Flood Fringe Area, impacting 0.018 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel 2F1037B; and (19) a permanent easement fill for flood control purposes, specifically the acquisition of the owner's right to place embankment, or to grade elevation or to contour the flood fringe area without consent of the New Jersey Turnpike Authority or to erect any permanent buildings or structures; but to allow its use for recreational, landscaping or other passive use which does not decrease the storage capacity of the Flood Fringe Area, impacting 0.012 acres of the Property (all of which is located within the farmland preservation area) to be designated as Parcel F1037C.

### 3. Turnpike Section 1, ROW Section 3D

Parcel Series 186D, Block 30, Lot 6.01 (Partial Taking)

Hedding Road, Mansfield Township, Burlington County

Owners: Lawrence Durr and Carol Durr

Amount Damages: \$58,413 (**\$52,600 was previously approved for condemnation; \$5,813 is required for settlement of crop damage to the tenant farmer**)

The Property's development rights were sold to the County of Burlington on October 29, 2003 for \$116,680.50 in a deed of easement recorded in Deed Book 6112, Page Number 784. Subsequently, a Cost Sharing Grant Agreement was executed between the SADC and the County of Burlington, recorded in Deed Book 6287, Page Number 926 which allocates a percentage of the County's share of the proceeds to the SADC in the event of a condemnation of the farmland preservation easement. The NJTA must acquire the following interest in the Property which will

hereafter be referred to as the "Property Interest": (1) a fee simple interest in 1.288 acres of the Property (all of which is located outside of the farmland preservation easement) to be designated as Parcel 186D; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Hedding Road, impacting 0.134 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel E186D; (3) a drainage easement consisting of the right to construct and maintain a drainage pipe and appurtenances, impacting 0.019 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel D186D; (4) a utility easement consisting of the right to install and maintain a pipeline for Sunoco Incorporated, impacting 0.757 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel UE186D; (5) a utility easement consisting of the right to install and maintain a pipeline for Colonial Gas Company, impacting 0.770 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel 2UE186D; (6) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of proposed pipeline, impacting 0.736 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel C186D; and (7) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of proposed pipeline, impacting 1.128 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel 2C186D

4. Turnpike Section 5, ROW Section 4H  
Parcel Series 1028A & 1028B, Block 22, Lot 4 (Partial Taking)  
241 Sharon Road, Robbinsville Township, Mercer County  
Owner: Dakota Realty, LLC  
Amount/Damages: \$139,362 **(\$5,950.00 (MCADB \$3,234.00 /Owner \$2,716.00) previously approved; \$9,150 (MCADB \$8,206.52 /Owner \$6,893.48) in additional funds required for settlement of taking and \$124,262 required for damages)**

The property currently consists of 73.848 acres of preserved farmland utilized as a tree nursery (the "Property"). The Property's development rights were sold to the County of Mercer on March 24, 2005 for \$359,200.00 in a deed of easement recorded in Deed Book 5021, Page Number 226. The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.049 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel 1028A; (2) a fee simple interest in 0.009 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel 1028B; (3) a slope easement consisting of the right to form and maintain slopes for grading and draining Sharon Road, impacting 0.008 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel E1028A; (4) a protective easement consisting of the permanent right to enter upon remaining lands of the owner or its assigns with personnel, equipment and materials for the purpose of constructing or reconstructing a retaining wall and appurtenances within the right of way from the proposed easement area along with the permanent right to access and perform maintenance and repairs upon the retaining wall and appurtenances from the easement area. Now or in the future, where physically accessible, the grantor shall permit the Authority or its assigns and their designees the right of ingress and egress across the easement for the purpose of access to the adjacent structure and appurtenances thereto after proper notification, impacting 0.114 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel PE1028A; (5) a slope easement consisting of the right to form and maintain slopes for grading and draining Bresnahan Road, impacting 0.192 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel E1028B; and (6) a temporary construction easement consisting of the right to enter upon the remaining lands of the owner with personnel, materials and equipment in order to construct a retaining wall and appurtenances, impacting 0.019 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel C1028A. The original taking resulted in a loss of an access point at the intersection of Sharon Road and Bresnahan Road, resulting in damages to the remainder previously not contemplated by the original appraisal.

### III. Settled NJDEP Green Acres Acquisitions.

The construction of the Program also required the acquisition of properties that were designated as Green Acres and owned by the New Jersey Department of Environmental Protection ("NJDEP"). Specifically, the Authority required the acquisition of approximately 12.1 acres of lands owned by the NJDEP for use as roadway right of way and stormwater management facility (fee conveyance), utilities (easements), roadway slopes (easement) and drainage (easement). The lands affected by the Program are located within the Assunpink Wildlife Management Area, in the Township of Robbinsville, County of Mercer. The required parcels all owned by the NJDEP include:

- 1) Turnpike Section 5, ROW Section 4H  
Parcel Series, 1032G, Block 19, Lot 15 (Partial Taking)  
Perrineville Road, Robbinsville Township, Mercer County

This property currently consists of 177.19 acres of vacant agriculturally preserved land (the "Property"). The Authority must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 3.169 acres of the Property to be designated as Parcel 1032G; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Perrineville Road, impacting 0.312 acres of the Property to be designated as Parcel E1032G; (3) a drainage easement consisting of the right to construct and maintain a drainage pipe and appurtenances, impacting 0.043 acres of the Property to be designated as Parcel D1032G; (4) a utility easement consisting of the right to construct, reconstruct, operate, inspect, renew, replace, improve, maintain, redesign, alter relocated, extend and remove overhead and ground facilities, impacting 0.084 acres of the Property to be designated as Parcel UE1032G; and (5) a temporary construction easement consisting of the right to access land for the construction of a driveway, impacting 0.053 acres to be designated as Parcel C1032G.

- 2) Turnpike Section 5, ROW Section 4H  
Parcel Series, 1032F, Block 19, Lot 17 (Partial Taking)  
Windsor Road, Robbinsville Township, Mercer County

This property currently consists of 3.964 acres of vacant agriculturally preserved land (the "Property"). The Authority must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.027 acres of the Property to be designated as Parcel 1032F; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Windsor Road, impacting 0.059 acres of the Property to be designated as Parcel E1032F; and (3) a drainage easement consisting of the right to construct and maintain a drainage ditch, drainage pipe, headwall and appurtenances, impacting 0.196 acres of the Property to be designated as Parcel D1032F.

- 3) Turnpike Section 5, ROW Section 4H  
Parcel Series, 1032H, Block 19, Lot 27 (Partial Taking)  
Windsor Road, Robbinsville Township, Mercer County

This property currently consists of 0.4309 acres of vacant agriculturally preserved land (the "Property"). The Authority must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.004 acres of the Property to be designated as Parcel 1032H; and (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Windsor Road, impacting 0.005 acres of the Property to be designated as Parcel E1032H.

- 4) Turnpike Section 5, ROW Section 4H  
Parcel Series, 1032C, Block 21, Lot 14 (Partial Taking)  
Windsor Road, Robbinsville Township, Mercer County

This property currently consists of 21.424 acres of vacant agriculturally preserved land (the "Property"). The Authority must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.119 acres of the Property to be designated as Parcel 1032C; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Windsor Road, impacting 0.160 acres of the Property to be designated as Parcel E1032C; and (3) a drainage easement consisting of the right to construct and maintain a drainage ditch, drainage pipe, headwall and appurtenances, impacting 0.019 acres of the Property to be designated as Parcel D1032C.

- 5) Turnpike Section 5, ROW Section 4H  
Parcel Series, 1032B, Block 21, Lot 15 (Partial Taking)  
Bresnahan Road, Robbinsville Township, Mercer County

This property currently consists of 19.411 acres of vacant agriculturally preserved land (the "Property"). The Authority must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest consisting of 1.315 acres of the Property to be designated as Parcel 1032B.

- 6) Turnpike Section 5, ROW Section 4H  
Parcel Series, 1032A, Block 21, Lot 16 (Partial Taking)  
Bresnahan Road, Robbinsville Township, Mercer County

This property currently consists of 0.558 acres of vacant agriculturally preserved land (the "Property"). The Authority must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest consisting of 0.185 acres of the Property to be designated as Parcel 1032A.

- 7) Turnpike Section 5, ROW Section 4H  
Parcel Series, 1032D, Block 21, Lot 35 (Partial Taking)  
Windsor Road, Robbinsville Township, Mercer County

This property currently consists of 7.026 acres of vacant agriculturally preserved land (the "Property"). The Authority must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.120 acres of the Property to be designated as Parcel 1032D; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Windsor Road, impacting 0.145 acres of the Property to be designated as Parcel E1032D; (3) a drainage easement consisting of the right to construct and maintain a drainage ditch, drainage pipe, headwall and appurtenances, impacting 0.005 acres of the Property to be designated as Parcel D1032D; and (4) a drainage easement consisting of the right to construct and maintain a drainage ditch, drainage pipe, headwall and appurtenances, impacting 0.012 acres of the Property to be designated as Parcel 2D1032D.

- 8) Turnpike Section 5, ROW Section 4H  
Parcel Series 1032E, Block 21, Lot 35 (Partial Taking)  
Windsor Road, Robbinsville Township, Mercer County

This property currently consists of 7.026 acres of vacant agriculturally preserved land (the "Property"). The Authority must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.024 acres of the Property to be designated as Parcel 1032E; and (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Windsor Road, impacting 0.095 acres of the Property to be designated as Parcel E1032E.

- 9) Turnpike Section 5, ROW Section 4H  
Parcel 1032J, Block 45, Part of Lot 1 (Partial Taking)  
Bounded by Windsor Road and Assunpink Creek  
Robbinsville Township, Mercer County

This property currently consists of 7.300 acres of vacant agriculturally preserved land (the "Property"). The Authority must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.179 acres of the Property to be designated as Parcel 1032J; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Windsor Road, impacting 0.161 acres of the Property to be designated as Parcel E1032J; (3) a drainage easement consisting of the right to construct and maintain a drainage ditch, drainage pipe, headwall and appurtenances, impacting 0.031 acres of the Property to be designated as Parcel D1032J; and (4) a utility easement consisting of the right to construct, reconstruct, operate, inspect, renew, replace, improve, maintain, redesign, alter relocated, extend and remove overhead and ground facilities, impacting 0.248 acres of the Property to be designated as Parcel UE1032J.

- 10) Turnpike Section 5, ROW Section 4H  
Parcel Series 1032, Block 46, Part of Lot 1 (Partial Taking)  
Bounded by Windsor Road and Allens Road  
Robbinsville Township, Mercer County

This property currently consists of 9.179 acres of vacant agriculturally preserved land (the "Property"). The Authority must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 5.189 acres of the Property to be designated as Parcels 1032K1 and 1032K2; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Windsor Road, impacting 0.069 acres of the Property to be designated as Parcel E1032K1; (3) a drainage easement consisting of the right to construct and maintain a drainage ditch, drainage pipe, headwall and appurtenances, impacting 0.131 acres of the Property to be designated as Parcel D1032K1.

- 11) Turnpike Section 4, ROW Section 4H  
Parcel No. 1032M, Block 46, Part of Lot 6 (Partial Taking)  
Bounded by Windsor Road and Northbound New Jersey Turnpike  
Robbinsville Township, Mercer County

This property currently consists of 0.034 acres of vacant agriculturally preserved land (the "Property"). The Authority must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.034 acres of the Property to be designated as Parcel 1032M.

In pursuing the acquisition of the above Property Interests, the Authority complied with all regulatory requirements including submission of a Green Acres application (November 18, 2009) and publishing required notices in the New Jersey Register (June 7, 2010). Public Hearings were held on the proposed conveyances on July 7, 2010 in the Township of Robbinsville and on July 22, 2010 in Trenton. No comments were submitted by the public with regards to same. The diversion was approved at the October 2010 State House Commission Meeting, and the Authority executed a license agreement which allows construction to move forward in between State House Commission approval and the actual closings. The Authority ultimately reached an agreement with the NJDEP and Robbinsville as to the amount of compensation in the amount of **\$1,022,000**. One half of the compensation will be used by the Department of Environmental Protection to acquire property immediately adjacent to the Assunpink Wildlife Management Area, to be incorporated into the wildlife management area. The remainder will be used by the Department of Environmental Protection for habitat improvements benefiting the wildlife management area. Additionally the Township of Robbinsville will be compensated directly, in the amount of \$94,080, for the administrative transfer to the NJDEP of its twenty-eight percent (28%) interest in Block 19, Lot 15

All actions taken by the Executive Director have been necessary for the purchase of the properties listed above including the satisfaction of certain other costs required by law to be paid at closing. 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 as outlined herein for the acquisition of the properties set forth above.

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#### 199-06-2011

In a memorandum dated June 14, 2011, a **Recommendation to Authorize the Second Amendment to the Sponsorship Agreement between PNC Bank, National Association, New Jersey Turnpike Authority, as successor to the New Jersey Highway Authority, and LiveNation, Inc., as successor to GSAC PARTNERS, a wholly owned subsidiary of SFX Entertainment, Inc. d/b/a ClearChannel Entertainment, for Naming Rights at the Garden State Arts Center and to Further Authorize The Third Amendment to the Sharing Agreement between the New Jersey Turnpike Authority, as successor to the New Jersey Highway Authority, and LiveNation, Inc. as successor to GSAC PARTNERS, a wholly owned subsidiary of SFX Entertainment, Inc. d/b/a ClearChannel Entertainment, for the Sharing of Responsibilities under the Sponsorship Agreement**, was approved.

On July 25, 1996 a Sponsorship Agreement was entered into by PNC Bank, National Association ("PNC"), New Jersey Highway Authority ("Owner") and GSAC Partners ("Operator") providing for the re-naming of the Garden State Arts Center to the PNC Bank Arts Center ("the 1996 Sponsorship Agreement"). The 1996 Sponsorship Agreement was for a term of ten years with a total value to the Authority of \$9,250,000.

Pursuant to the terms of the 1996 Sponsorship Agreement, PNC, the Owner and the Operator (together "the Parties") agreed to an extension of this agreement with the same terms and conditions for an additional five year period (the "Amendment to the Sponsorship Agreement") terminating December 31, 2011.

This Agreement included a provision by which PNC retained the right to first refusal on a

new Sponsorship Agreement. At the present time PNC is desirous of continuing this relationship beyond the contract term and exercising its option for an additional extension of this agreement as set forth in the 1996 Sponsorship Agreement. The Parties have negotiated and have reached an agreement of the terms going forward. The formal terms of this extension are fully contained in the Second Amendment to the Sponsorship Agreement and reflect an overall financial benefit to the Authority. However, the financial considerations and certain of the specifics of the proposal are as follows:

1. PNC is proposing a five year extension to the existing agreement that would begin January 1, 2012 and extend through December 31, 2016 (the "Extension Term"); each of the Parties retains the option to withdraw from this Second Amendment in the fourth or fifth year of this extension.
2. Beginning with the effective date of the Extension Term, PNC will pay to the Owner and Operator an annual payment of \$922,708.00 which provides for a total contract amount of \$4,613,540 over the Extension Term. This payment would be exclusive of the \$75,000 donation to the Garden State Arts Foundation.
3. Beginning with the 2011 Season and throughout the Extension Term, PNC will pay to the Authority or, at the Authority's request, to the Garden State Arts Foundation, an annual payment of \$75,000 which provides for a total contract amount of \$450,000 over the Extension Term including a payment for the year 2011. PNC retains the option of reviewing this payment for the year 2016. Said funds to be used in support of Classical/Cultural performances offered free of charge to the public.
4. PNC Bank will receive the title "Official Financial Services" sponsor of the concerts and the venue and will receive exclusive sponsorship rights in the financial services category.
5. During the term, PNC Bank shall have exclusive right to place ATM machines on or about the facility.
6. PNC customers will receive a 15% merchandise discount on LiveNation.com valid during a promotional window to be agreed upon by the Parties.

The Second Amendment of the Sponsorship Agreement is contingent on the approval of the Third Amendment to the Sharing Agreement. Pursuant to the terms of the Sharing Agreement, the operator of the facility, LiveNation, Inc. and the owner, New Jersey Turnpike Authority, have agreed on a split of the proceeds received from PNC. The Sharing Agreement, which was executed simultaneously with the 1996 Sponsorship Agreement, had a ten-year term and stated that the Authority would receive a portion of the payment from PNC. This agreement was extended in 2006 for an additional five years and three months through December 31, 2011 with both parties receiving an equal share of the payment received from PNC. The terms and conditions of the Third Amendment to the Sharing Agreement are the same as those in the existing agreement, with the term being extended for an additional five years through December 31, 2016 and with both parties receiving an equal share of the payment received from PNC.

Accordingly, it is recommended that authorization be granted to the Executive Director to enter into the proposed Second Amendment to the Sponsorship Agreement between PNC Bank, National Association, LiveNation, Inc. and the New Jersey Turnpike Authority and to enter into the Third Amendment to the Sharing Agreement between LiveNation, Inc. and the New Jersey Turnpike Authority on terms and conditions substantially the same as those outlined above. It is also recommended that the Commissioners of the Authority authorize the Executive Director to execute such other documents and take such other actions as are deemed necessary and advisable and agreed upon by the Parties in their mutual interest upon the review and approval of counsel to effectuate the intent of this authorization.

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**200-06-2011**

In a memorandum dated June 10, 2011, **Authorization to Approve Settlement in the Matter of Alicia Frye v. New Jersey Turnpike Authority, et al. Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-9072-08, in the amount of \$50,000.00**, was approved.

This matter arises from an accident that occurred on March 20, 2007, whereby Plaintiff was allegedly hit by a State Police vehicle and broke her ankle. Plaintiff went to the hospital later the same day the incident allegedly occurred. During trial, Mrs. Frye showed the court how she fell. Although she had serious injuries and surgeries, there was no direct proof that her injuries occurred during the alleged incident. In fact, the Plaintiff never mentioned an ankle injury at the scene. The matter went to a jury. The jury found that although the Trooper's vehicle hit the Plaintiff, a verdict of no cause in favor of the Authority was entered because the Plaintiff had not

proven damage sufficient to overcome the legal threshold. The Plaintiff appealed the verdict. During a case management conference and after review of the applicable law, it appears that there are grounds to reverse the verdict. Case law indicates that if an injury results in the need for a metal prosthesis then the damage threshold under Title 59 has been met. In this matter, the Plaintiff's injury resulted in the insertion of metal into her ankle thereby satisfies the threshold requirements.

Initially, plaintiff requested \$300,000.00 to settle the matter. The Authority countered and the parties ultimately agreed to settle for \$50,000.00. The cost of a new trial would be between \$5,000.00 and \$10,000.00, and at a new trial the Authority could face a greater damage award as the jury had already found that the Trooper's vehicle had hit plaintiff.

Accordingly, the Law Department recommends that the Commissioners authorize full and final settlement of the matter, in an amount not to exceed \$50,000.00. This settlement will conclude all claims by Plaintiff against the Authority in this matter. Authorization is also recommended to allow the Executive Director to take all such actions and to execute any and all documents, after review and approval by the Law Department and General Counsel, necessary to conclude this litigation.

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201-06-2011

In a memorandum dated June 14, 2011, **Amendment to Authorization to Pay Costs Associated with Contract for Information Technology-Data Management Services—Agreement with Currier McCabe & Associates Consulting Services (CMA), to pay an additional amount of \$42,187.34**, was approved.

By Agenda Item 199-10, the Board of Commissioners of the New Jersey Turnpike Authority authorized an additional payment to CMA Consulting Services for work performed on the expansion of the PeopleSoft Treasury System and the upgrade of the Payroll/HR System (the "Project"). CMA Consulting Services was originally selected pursuant to State Contract. At the conclusion of that contract, the Authority mistakenly thought that CMA had been granted an extension of their State approval and issued to CMA a number of new work assignments. The new work assignments commenced immediately. A significant majority of the work had been completed when the Authority was advised that CMA had not been reapproved as a State of New Jersey authorized vendor. CMA had completed the majority of the required work and had performed the services satisfactorily in a cost effect manner. The authorization of the additional amount was necessary to provide for payment for services rendered.

Subsequent to the Board's authorization for the additional payment, an audit of the contract indicated that additional sum in the amount of \$42,187.34 was due to CMA and remained outstanding.

Accordingly, the Law Department recommends that the Commissioners authorize payment in an amount not to exceed \$42,187.34 for the work as set forth above. Authorization is also recommended to allow the Executive Director to execute any and all documentation, upon review and approval by the Law Department and General Counsel, deemed necessary to conclude this matter.

On motion by Commissioner Hodes seconded by Treasurer DuPont, the Authority unanimously approved items 198-06-2011 through 201-06-2011; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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## **ENGINEERING**

Chief Engineer Raczynski requested approval of item number 202-06-2011 through 212-06-2011 and acceptance of item 213-06-2011. Chairman Simpson asked Raczynski to report on the Turnpike widening. Raczynski indicated that the widening is on schedule and on budget. He added that two (2) of the final major construction contracts and two (2) mitigation contracts will be issued by the first quarter of 2012. Moved are the items are as follows:

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## **AWARD OF CONTRACTS**

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**202-06-2011**

In a document dated June 9, 2011, **Recommendation to Award Contract No. P200.224, Garden State Parkway, Earle Asphalt Company, Central Pavement Restoration and Miscellaneous Improvements, Milepost 80 to 143, in the amount of \$4,077,813.13**, was approved.

This contract will provide for the restoration of asphalt concrete surface course pavement along northbound and southbound mainline roadways, ramps, service areas and toll plazas on the Garden State Parkway along with other incidental work at various locations between Milepost 80 and 143. All work is expected to be completed in 2011.

Nine bid proposals were received on June 8, 2011 for the above publicly advertised contract, as shown on the attached bid summary sheet. The low bid proposal, in the amount of \$4,077,813.13, may be compared to the second low bid proposal in the amount of \$4,094,490.00. Earle Asphalt Company has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P200.224 be awarded to the low bidder, Earle Asphalt Company of Farmingdale, New Jersey, in the amount of \$4,077,813.13. 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 were procured and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

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

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**FINAL ACCEPTANCES OF CONTRACTS**

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**203-06-2011**

In a document dated June 3, 2011, a **Recommendation for Final Acceptance, Contract P200.113, J. Fletcher Creamer & Son, Inc., Guide Rail Post Replacement, Milepost 126.0 to 172.4, in the amount due contractor \$59,545.04**, was approved.

This contract involved the replacement of all the existing weathering steel guide rail posts with new galvanized protected weathering steel posts, upgrade all the end treatments, and replace any existing damaged end sections on the Garden State Parkway between Milepost 126.0 and 172.4 in Middlesex, Union, Essex, Passaic and Bergen Counties, New Jersey. The contract was advertised and there were two bidders. The contract was awarded on March 18, 2009 to the low bidder, J. Fletcher Creamer & Son, Inc., 101 East Broadway, Hackensack, NJ 07601 in the total amount of \$7,423,750.00.

During the course of the contract, there were two Change Orders for a total decrease of \$1,469,245.59 adjusting the final total amount of this contract to \$5,954,504.41.

The Certification and Recommendation for Final Acceptance has been executed by the Engineers, the General Consultants and the Chief Engineer.

All required contract documents including the Engineer's Final Certification, Maintenance Bond, Affidavit of Prevailing Wage and the Final Payment Certificate (16 & F) have been submitted to the Law Department and approved as to correctness of form. Furthermore, the Law Department advises that there are no liens outstanding against the Contractor.

We concur and recommend that Contract P200.113 be accepted, and that final payment in the amount of \$59,545.04 be made to the Contractor.

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**204-06-2011**

**In a document dated June 7, 2011, a Recommendation for Final Acceptance, Contract T300.064, Ferreira Construction Co., Inc., Ramp NWC Improvements at Interchange 18W, in the amount due contractor \$52,782.92**, was approved.

This contract involved the realignment of Ramp NWC and the construction of auxiliary lanes, sign structures and E-ZPass facilities along the western spur from Mile W114.0 to W115.7 in the Boroughs of Carlstadt and Ridgfield, Bergen County, New Jersey. The contract was advertised and there were four bidders. The contract was awarded on August 6, 2008 to the low bidder, Ferreira Construction Co., Inc., 31 Tannery Road, Branchburg, New Jersey 08876 in the total amount of \$17,848,000.00.

During the course of the contract, there were four Change Orders for a total decrease of \$213,240.23 adjusting the final total amount of this contract to \$17,634,759.77

The Certification and Recommendation for Final Acceptance has been executed by the Engineers, the General Consultants and the Chief Engineer.

All required contract documents including the Engineer's Final Certification, Maintenance Bond, Affidavit of Prevailing Wage and the Final Payment Certificate (35F) have been submitted to the Law Department and approved as to correctness of form. Furthermore, the Law Department advises that there are no liens outstanding against the Contractor.

We concur and recommend that Contract T300.064 be accepted, and that final payment in the amount of \$52,782.92 be made to the Contractor.

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**205-06-2011**

In a document dated June 16, 2011, a **Recommendation for Final Acceptance, Contract P100.052, Joseph M. Sanzari, Inc., Northern Bridge Repairs and Resurfacing, Milepost 126 to 172, in the amount due contractor \$184,140.02**, was approved.

This contract involved replacing deteriorated concrete bridge deck slabs; repairing deck spalls; repairing and reconstructing deck joints; repairing headers; removing asphalt surfacing; placing new membrane waterproofing; resurfacing approach roadways and bridge decks; pavement striping; and other incidental work on various bridge structures along the Garden State Parkway from Milepost 126 to 172 in Middlesex, Union, Essex, Passaic, and Bergen Counties, New Jersey. The contract was awarded on December 30, 2008 to the low bidder, Joseph M. Sanzari, Inc., 90 West Franklin Street, Hackensack, NJ 07601 in the total amount of \$3,371,695.50.

During the course of the contract, there were three Change Orders for a total increase of \$347,506.32 adjusting the final total amount of this contract to \$3,719,201.82.

The Certification and Recommendation for Final Acceptance has been executed by the Engineers, the General Consultants and the Chief Engineer.

All required contract documents including the Engineer's Final Certification, Maintenance Bond, Affidavit of Prevailing Wage and the Final Payment Certificate (#13F) have been submitted to the Law Department and approved as to correctness of form. Furthermore, the Law Department advises that there are no liens outstanding against the Contractor.

We concur and recommend that Contract P100.052 be accepted, and that final payment in the amount of \$184,140.02 be made to the Contractor.

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**PROFESSIONAL SERVICES (OPSs)**

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**206-06-2011**

In a document dated June 7, 2011, a **Recommendation to Issue Order for Professional Services No. A3356, Garden State Parkway and New Jersey Turnpike, Jacobs Engineering Group, Inc., Engineering Services for Detailed Seismic Vulnerability Assessment and Conceptual, Retrofit Design for Routine Bridges, in the amount of \$3,500,000.00**, was approved.

This Order for Professional Services provides for the detailed seismic vulnerability assessment and conceptual retrofit design for 43 high priority routine bridges on the New Jersey Turnpike and Garden State Parkway. The results provided in the final evaluation report will be used as the basis for the final design and development of contract documents for seismic retrofit of these bridges.

This assignment is classified as a "Complex Project" since the scope of work is not clearly defined and likely to change during the course of the project, and the cost exceeds \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and 37 engineering firms were prequalified and eligible under Profile Codes A097 – Bridges: Seismic Retrofits and D450 – Bridges: Seismic Risk and Vulnerability Analysis. Nine firms submitted EOIs by the closing date of April 7, 2011.

The scoring of the EOIs by the Review Committee resulted in the following order of ranking: 1) Jacobs Engineering Group, Inc.; 2) Ammann & Whitney Consulting Engineers, P.C.; and 3) Greenman - Pedersen, Inc. These three firms were requested to submit Technical and sealed Fee Proposals. The Committee reviewed and evaluated each firm's Technical Proposal and final scoring resulted in Jacobs Engineering Group, Inc. being the highest technically ranked firm. The fee submitted has been reviewed, negotiated, and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. A3356 be issued to the firm of Jacobs Engineering Group, Inc. of Morristown, New Jersey, not to exceed the amount of \$3,500,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.45, based on a 10% allowance for profit and an overhead rate of 122.73%

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., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

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#### **207-06-2011**

In a document dated June 15, 2011, a **Recommendation to Issue Order for Professional Services No. P3358, Garden State Parkway, TranSystems Corporation, Design Services for Contract No. P100.233, Bridge Deck Reconstruction, Milepost 121 to 150, Contract No. P100.237, Bridge Deck Reconstruction, Milepost 124 to 163, in the amount of \$5,900,000.00,** was approved.

This Order for Professional Services provides for design services and preparation of contract documents for two construction contracts for bridge deck reconstruction on the Parkway between Milepost 121 and 163. This is the first phase of the Parkway bridge deck reconstruction program, focusing on bridge deck reconstruction, parapet and median barrier replacement, deck joint replacement, structural steel repairs, drainage, lighting and other related work on twelve high priority bridges. Estimated total construction cost is \$75 million.

This assignment is classified as a "Complex Project" since the scope of work is not clearly defined and likely to change during the course of the project, and the cost exceeds \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and 48 engineering firms were prequalified and eligible under Profile Code A095 – Bridges: Deck Reconstruction. Ten firms submitted EOIs by the closing date of April 11, 2011.

The scoring of the EOIs by the Review Committee resulted in the following order of ranking: 1) TranSystems Corporation; 2) Michael Baker, Jr., Inc.; and 3) Dewberry-Goodkind, Inc. These three firms were requested to submit Technical and sealed Fee Proposals. The Committee reviewed and evaluated each firm's Technical Proposal and final scoring resulted in TranSystems Corporation being the highest technically ranked firm. The fee submitted has been reviewed, negotiated, and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. P3358 be issued to the firm of TranSystems Corporation of Paramus, New Jersey, not to exceed the amount of \$5,900,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.77, based on a 10% allowance for profit and an overhead rate of 151.8% 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., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

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#### **208-06-2011**

In a document dated June 7, 2011, a **Recommendation to Issue Order for Professional Services No. P3385, Garden State Parkway, Churchill Consulting Engineers, Supervision of Construction Services for, Contract No. P200.224, Central Pavement Restoration and Miscellaneous Improvements, Milepost 80.0 to 143.0, Contract No. P300.219, Operational and Access Improvements at Interchange 168, in the amount of \$835,000.00,** was approved.

This Order for Professional Services provides for the construction supervision of the referenced contracts. Contract P200.224 will provide for the restoration of asphalt concrete surface course pavement along northbound and southbound mainline roadways, ramps, service areas and toll plazas on the Garden State Parkway along with other incidental work between Milepost 80 and 143. Contract P300.219 will provide grading, paving and lighting improvements to the northbound exit ramp at Interchange 168 on the 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 project, and the cost not exceeding \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the

Authority's website and 56 engineering firms were prequalified and eligible under Profile Codes B153 - Roadway Construction Inspection and B154 - Roadway Resurfacing Inspection. Six firms submitted EOIs by the closing date of May 9, 2011.

Subsequent to the scoring of EOIs by the Review Committee, Fee Proposals were requested from the top three firms. The firms in the order of ranking are: 1) Churchill Consulting Engineers; 2) Johnson, Mirmiran & Thompson, Inc.; and 3) KS Engineers, P.C. The fee submitted by Churchill Consulting Engineers has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. P3385 be issued to the firm of Churchill Consulting Engineers of Berlin, New Jersey, not to exceed the amount of \$835,000.00, allocated as follows: Fund 03020005 - \$400,000.00 in 2011 and \$52,146.00 in 2012; and Fund 39003035 - \$382,854.00. 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., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

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#### **209-06-2011**

In a document dated June 13, 2011, a **Recommendation to Issue Order for Professional Services No. A3394**, URS Corporation, Supplemental Staffing for Engineering Department, in the amount of \$4,000,000.00, was approved.

This on-call Order for Professional Services will provide professional services to assist the Engineering Department by supplementing its staff with professionals of various levels of expertise in both design and construction. The Consultant's staff will assist in the development, preparation, management and/or oversight of construction contracts of the \$7 billion Ten-Year Capital Investment Program working under the supervision of Engineering Department staff. Each project's specific task will be separately negotiated, budgeted and tracked through the Work Request Authorization Form procedure. The duration of the OPS will be three years, with the option of a one-year extension as approved by the Executive Director.

This assignment is classified as a "Complex Project" since the scope of work is not clearly defined and likely to change during the course of the project, and the cost exceeds \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and 23 engineering firms were prequalified and eligible under Profile Codes: A-092, Bridges: Miscellaneous Repairs; A-093, Bridges: Deck Replacements & Rehabilitations; A-250, Fully Controlled Access Highways; B-153, Roadway Construction Inspection; B-155, Bridge Construction Inspection; and B-159, Buildings Construction & Renovations Inspection. Five firms submitted EOIs by the closing date of March 14, 2011.

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 in the order of ranking are: 1) URS Corporation; 2) AECOM Technical Services, Inc.; and 3) STV Incorporated. The Review Committee reviewed and evaluated each firm's Technical Proposal. Final scoring resulted in URS Corporation being the highest technically ranked firm. The fee submitted by URS Corporation has been reviewed, negotiated, and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. A3394 be issued to the firm of URS Corporation of Wayne, New Jersey not to exceed the amount of \$4,000,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.30, based on a 10% allowance for profit and an overhead rate of 109.1% 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., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

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**210-06-2011**

In a document dated June 10, 2011, a **Recommendation to Issue Order for Professional Services No. P3399, Garden State Parkway, GreenVest LLC, Design Services, Shoulder Restoration and Improvement Program, Milepost 83 to 100, Wetland and Riparian Zone Mitigation, in the amount of \$7,669,952.00**, was approved.

This Order for Professional Services will provide professional services necessary to provide wetland and riparian zone mitigation services. These services include securing all necessary wetland and riparian zone credits required by the NJ Department of Environmental Protection to offset 8 acres of permanent impacts to wetlands and approximately 38 acres of permanent impacts to riparian zones, in conjunction with the Parkway shoulder restoration and improvement program between Mileposts 83 and 100.

This assignment is classified as a "Complex Project" since the scope of work is not clearly defined and likely to change during the course of the project, and the cost exceeds \$2,000,000.00. Due to the unique scope of work there are no specific prequalification codes for this assignment. Accordingly, a Request for Letters of Qualification (LOQ) was posted on the Authority's website on February 8, 2011. By the closing date of March 8, 2011, LOQs were received from three firms. Upon review of the LOQs, three of the firms Evergreen Environmental; GreenVest, LLC.; and Matrix New World Engineering, Inc. met the qualifications stipulated and were requested to submit Technical and Fee Proposals. The Review Committee evaluated each firm's Technical Proposal and final scoring resulted in GreenVest, LLC being the highest technically ranked firm. The fee submitted by GreenVest, LLC has been reviewed and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. P3399 be issued to the firm of GreenVest, LLC of Jersey City, New Jersey not to exceed the amount of \$7,669,952.00. This amount includes reimbursement of direct salaries and overhead, land acquisition, legal fees, construction and planting of mitigation sites, and monitoring of the sites as required by current NJDEP regulation. 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 2006).

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**211-06-2011**

In a document dated June 15, 2011, a **Recommendation to Order for Professional Services No. T3405, New Jersey Turnpike, AECOM, Environmental Design Services, Brookland Site, Interchange 6-9 Widening Program, in the amount of \$1,525,000.00**, was approved.

This Order for Professional Services will provide environmental design services necessary in connection with the Turnpike's Interchange 6-9 Widening Program. The services will consist of the design and monitoring of wetlands, riparian and vernal pool mitigation on a single Authority owned 400+ acre parcel of property known as the Brookland site. Services will also include the design and preparation of contract documents for the planting of approximately 150 acres of trees on Authority owned property in accordance with the NJDEP Division of Parks and Forestry No Net Loss guidelines.

This assignment is classified as a "Simple Project" since the scope of work is clearly defined and the estimated fee is \$2,000,000.00 or less. Due to the unique scope of work there are no specific prequalification codes for this assignment. Accordingly, a Request for Letters of Qualification (LOQ) was posted on the Authority's website on February 18, 2011. By the closing date of March 14, 2011, LOQs were received from 13 firms. Upon review of the LOQs, all 13 firms met the qualifications stipulated, were requested to submit Expressions of Interest (EOI), and nine firms submitted EOIs by the stipulated date. Subsequent to the scoring of EOIs by the Review Committee, Fee Proposals were requested from the top three firms. The firms in the order of ranking are: 1) AECOM; 2) The RBA Group, Inc.; and 3) The Louis Berger Group, Inc. The fee submitted by AECOM has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. T3405 be issued to the firm of AECOM of Piscataway, New Jersey, not to exceed the amount of \$1,525,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.7, 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. 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 2006).

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#### **212-06-2011**

In a document dated June 6, 2011, **Recommendation to Issue Supplement A to Order for Professional Services No. T3252, New Jersey Turnpike, AECOM, Design and Environmental Permitting for Improvements at Interchange 10, Original Amount of OPS \$1,648,000.00, Amount of Supplement \$876,000.00, Revised Amount of OPS \$2,524,000.00,** was approved.

This Order for Professional Services was issued at the July 2009 Commission Meeting in the amount of \$1,648,000.00 to provide for design and environmental permitting for the construction of interchange improvements considered necessary to accommodate existing and future traffic volumes at Interchange 10 in Edison Township. Interchange 10 was identified in an earlier study as a priority interchange warranting operational and safety improvements.

Supplement A will compensate AECOM for additional design services required for various out of scope tasks. These tasks include the design of improvements along Route I-287 southbound as has been determined to be necessary to accommodate traffic volumes exiting I-287 destined to Interchange 10. The required improvements include extending the deceleration lane for the Turnpike exit ramp, the installation of two new overhead sign structures along I-287 southbound and widening Ramp WT to two lanes. Other out-of-scope tasks include traffic analyses necessary to analyze the I-287 and Route 440 traffic; the development and analysis of additional improvement alternatives; additional survey and geotechnical efforts; the design of three additional sign structures within the interchange; the design of two retaining walls; and miscellaneous additional roadway design elements including grading, storm water management, utility relocations and lighting. Also, an Individual Freshwater Wetlands Permit has been determined to be necessary whereas a Statewide General Permit had been anticipated.

AECOM submitted a proposal in the amount of \$876,000.00 to provide the required services. The proposal has been reviewed, negotiated, and is considered fair and reasonable for the services to be provided.

It is, therefore, recommended that Supplement A to Order for Professional Services No. T3252 be issued to AECOM, not to exceed the amount of \$876,000.00, with compensation on the same basis as the original Order for Professional Services. The addition of this amount increases the total authorized fee from \$1,648,000.00 to \$2,524,000.00. 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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#### **MISCELLANEOUS**

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

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#### **213-06-2011**

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

- Construction Progress Report
- Change Order Summary
- Utility Order Report

On motion by Treasurer DuPont and seconded by Commissioner Hodes, the Authority unanimously approved items 206-06-2011 through 212-06-2011; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda. The Authority unanimously accepted the reports contained in item 213-06-2011 and received same for file.

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**PURCHASING**

Director of Purchasing Andrea Ward requested approval of item numbers 214-06-2011 through 227-06-2011. Moved as a group those items are as follows:

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**PUBLIC BID SOLICITATIONS**

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**214-06-2011**

In a document dated June 13, 2011, **Recommendation for Pick-Up Trucks w/Accessories, Hertrich Fleet Services, Inc., Mall Chevrolet, R-82593 and R-82596, in the amount of \$1,258,245.50,** was approved.

Authorization is requested to award two contracts for the purchases of. 1) Fifty 2-wheel drive pick-up trucks and 2) Ten 4-wheel drive extended cab compact pickup truck and accessories. These are replacements for older model equipment, which will be sold at a public surplus sale. Bidders were required to quote unit and total prices for the vehicles in accordance with the specifications. In addition, bidders could quote on either or both items. Requests for bids were distributed to 11 vendors. On May 17, 2011 three bid proposals were received. Bid results are as follows:

**No. 1 – 2-Wheel Drive Pick-up Trucks**

|                                              | <u>Unit Price</u>   | <u>Total Price</u>     |
|----------------------------------------------|---------------------|------------------------|
| <b>Mall Chevrolet, Inc., Cherry Hill, NJ</b> | <b>\$ 21,165.51</b> | <b>\$ 1,058,275.50</b> |
| Beyer Bros. Corp., Fairview, NJ              | \$ 23,168.00        | \$ 1,158,400.00        |
| Department Estimate: \$1,100,000.00          |                     |                        |

**No. 2 – 4-Wheel Drive Extended Cab Pick-up Trucks**

|                                                  | <u>Unit Price</u>   | <u>Total Price</u>   |
|--------------------------------------------------|---------------------|----------------------|
| <b>Hertrich Fleet Services, Inc., Milford DE</b> | <b>\$ 19,997.00</b> | <b>\$ 199,970.00</b> |
| Mall Chevrolet, Inc., Cherry Hill, NJ            | \$ 20,313.70        | \$ 203,137.00        |
| Beyer Bros. Corp., Fairview, NJ                  | \$ 22,760.00        | \$ 227,600.00        |
| Department Estimate: \$220,000.00                |                     |                      |

Bids were procured, and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is 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 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award contracts to Mall Chevrolet, Inc. for the 2-wheel drive pick-up trucks in a total amount not to exceed \$1,058,275.50 and to Hertrich Fleet Services, Inc. for the 4-wheel drive pick-up trucks in a total amount not to exceed \$199,970.00.

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**215-06-2011**

In a document dated June 20, 2011, **Recommendation for Cargo Vans w/Accessories, Mall Chevrolet, Inc., R-82597 and R-82600, in the amount of \$699,145.00,** was approved.

Authorization is requested to award a contract for the purchases of Item No. 1) 13 one-ton and Item No. 2) 20 ½ -ton Cargo Vans and Accessories. These are replacements for older model equipment, which will be sold at a public surplus sale. Bidders were required to quote unit and total prices for the vehicles in accordance with the specifications. In addition, bidders could bid on either item or both items. Requests for bids were distributed to 10 vendors. On May 11, 2011 four bids were received. Bid results are as follows:

**Item No. 1 – One-Ton Vans**

|                                                              | <u>Unit Price</u>  | <u>Total Price</u>  |
|--------------------------------------------------------------|--------------------|---------------------|
| <b>Mall Chevrolet Inc., Cherry Hill, NJ</b>                  | <b>\$23,265.00</b> | <b>\$302,445.00</b> |
| Flemington Chevrolet Buick GMC Cadillac, LLC, Flemington, NJ | \$24,466.00        | \$318,058.00        |
| Beyer Bros. Corp., Fairview, NJ                              | \$25,740.00        | \$334,620.00        |
| Holman Automotive Group, Inc., Maple Shade, NJ               | \$37,826.00        | \$491,738.00        |
| Department Estimate: 325,000.00                              |                    |                     |

**Item No. 2 – 1/2 Ton Vans**

|                                                              | <u>Unit Price</u>  | <u>Total Price</u>  |
|--------------------------------------------------------------|--------------------|---------------------|
| <b>Mall Chevrolet Inc., Cherry Hill, NJ</b>                  | <b>\$19,835.00</b> | <b>\$396,700.00</b> |
| Flemington Chevrolet Buick GMC Cadillac, LLC, Flemington, NJ | \$20,991.00        | \$419,820.00        |
| Beyer Bros. Corp., Fairview, NJ                              | \$22,222.00        | \$444,440.00        |
| Holman Automotive Group, Inc., Maple Shade, NJ               | \$31,610.00        | \$632,200.00        |
| Departmental Estimate: \$440,000.00                          |                    |                     |

Bids were procured, and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is 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 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award a contract to Mall Chevrolet Inc., Cherry Hill, NJ in a total amount not to exceed \$669,145.00.

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**216-06-2011**

In a document dated June 13, 2011, **Recommendation for Single Engine Broom Sweeper, H.A. DeHart & Son, Inc., R-82387, in the amount of \$1,129,925.00**, was approved.

Authorization is requested to award a contract for the purchase of five single-engine broom sweepers to be used for roadway maintenance. These are replacements for older model equipment, which will be sold at a public surplus sale. Bidders were required to quote unit and total prices for the sweeper in accordance with the specifications. Requests for bids were distributed to 13 vendors. On May 17, 2011 three bids were received. Bid results are as follows:

|                                              | <u>Unit Price</u> | <u>Total Price</u> |
|----------------------------------------------|-------------------|--------------------|
| H.A. DeHart & Son, Inc., Thorofare, NJ       | \$ 225,985.00     | \$ 1,129,925.00    |
| W.E. Timmerman Company, Inc., Whitehouse, NJ | \$ 246,000.00     | \$ 1,230,000.00    |

Department Estimate: \$1,250,000.00

**Non-Compliance**

A third bid proposal was received from Suffolk County Brake Service, Inc., Bohemia, NY, (\$224,169.00 per unit) ("Suffolk"). The Maintenance Department staff reviewed the proposals and determined that this bid proposal contained numerous and significant performance and operational exceptions contrary to the bid specifications. Maintenance Staff noted the following exceptions which constitute major discrepancies: 1) The cab proposed is not galvanized as specified. (Galvanization inhibits rust and corrosion, and thus prolongs the cab life); 2) Suffolk's wheelbase is 22" longer than the specified. The longer wheelbase extends the vehicle which would affect overall maneuverability when the operator is negotiating "U" and "Z" turns. The longer vehicle would also affect line of sight creating an unsafe condition while the operator is navigating precarious turns; and 3) This bidder proposes a rear axle capacity 1,000 lbs less than the minimum weight specified. Maintenance staff is concerned that the lesser rear axle weight coupled with the fact that Suffolk's debris hopper is over 2 cubic yards larger than specified would cause weakened suspension, maneuverability and drivability issues. In addition, Maintenance staff cited several other exceptions in Suffolk's proposal including the proposed audible alarm sound; headlights; warranty coverage (5 years versus 8 specified); gutter broom location; conveyor material; and speeds and sizes of the main broom and conveyor. Furthermore, Suffolk failed to take exceptions to certain specifications which the Maintenance staff discovered to be significant deviations to the specifications. For examples, based on Suffolk's statements, there are discrepancies with the proposed fuel tank capacity; amp rating of the vehicle's batteries; and absence of literature/brochures on key vehicle features. According to the Maintenance staff any of the discrepancies identified could negatively impact the performance and operation of the sweeper and raise crucial safety concerns for the operators.

Given the great number of technical/operational deviations from the bid specifications, the Maintenance Department recommends that the bid proposal submitted by Suffolk County Brake Service, Inc. be rejected. The second low bidder, H.A. DeHart & Son Inc. took only minor exceptions and satisfactorily met the specifications.

Bids were procured, and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is 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 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award a contract to H.A. DeHart & Son, Inc., Thorofare, NJ in a total amount not to exceed \$1,129,925.00.

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**217-06-2011**

In a document dated June 13, 2011, **Recommendation for Moisture-Adhering Glass Beads, SBE SET ASIDE, Automotive and Industrial Equipment Ltd, d/b/a A&I Equipment, RM-1004, in an amount of \$82,593.00**, was approved.

Authorization is requested to award a one-year contract for the purchase of approximately 270,000 pounds of moisture-adhering glass beads. The glass beads are required for the white line stripe painting process on the New Jersey Turnpike. Requests for bids were distributed to five vendors. On May 26, 2011 three bid proposals were received as follows:

|                                             | <b><u>Total Price</u></b> |
|---------------------------------------------|---------------------------|
| <b>A &amp; I Equipment, Randolph, NJ</b>    | <b>\$82,593.00</b>        |
| Garden State Highway Products, Vineland, NJ | \$88,290.00               |
| Traffic Lines, Inc., Farmingdale, NJ        | \$90,450.00               |

Department Estimate: \$100,000.00

Bids were procured, and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is 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 (Corzine 2008), and having no objection to same. Furthermore, the Authority designated this contract as an SBE Set-Aside Contract as defined by the New Jersey Department of the Treasury in accordance with N.J.S.A. 52:32-17 et seq. and N.J.A.C. 17:14-1.1.

Accordingly, authorization is requested to award a contract to A&I Equipment, Randolph, NJ in a total amount not to exceed \$82,593.00.

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**218-06-2011**

In a document dated June 21, 2011, **Recommendation for Power Distribution Units for Network Upgrade, Stele Corporation d/b/a Stele Infotech, R-82541, in an amount of \$40,400.00**, was approved.

Authorization is requested to award a one-year contract for the purchase of 100 electrical rack power distribution units. The power distribution units will provide redundant power, monitoring and power shut off to various components on the network. Requests for bids were distributed to four vendors. On May 26, 2011 three bids were received as follows:

|                                                             | <b><u>Unit Price</u></b> | <b><u>Total Price</u></b> |
|-------------------------------------------------------------|--------------------------|---------------------------|
| <b>Stele Corporation d/b/a Stele Infotech, Whippany, NJ</b> | <b>\$404.00</b>          | <b>\$40,400.00</b>        |
| Graybar Electric Co., Inc., Teterboro, NJ                   | \$433.93                 | \$43,393.00               |
| Turtle & Hughes, Inc., Bridgewater, NJ                      | \$536.79                 | \$53,679.00               |

Department Estimate: \$60,000.00

Bids were procured, and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is 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 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award a contract to Stele Corporation d/b/a Stele Infotech, Whippany, NJ in a total amount not to exceed \$40,400.00.

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**219-06-2011**

In a document dated June 21, 2011, **Recommendation for Custom Fabricated Computer Cabinets, GAW Associates, Inc., R-82546, in the amount of \$97,400.00**, was approved.

Authorization is requested to award a one year contract for the purchase of 50 co-location metal cabinets for telecommunications equipment. These cabinets will replace current cabinets which do not provide redundant power or house new equipment. The cabinets will provide a lockable compartment allowing it to be shared with another agency with full security. Bidders were required to quote a unit price in accordance with the specifications. Requests for bids were distributed to eight vendors. On May 25, 2011 three bids were received. Bid results are as follows:

|                                             | <u>Unit Price</u>  | <u>Total Price</u>  |
|---------------------------------------------|--------------------|---------------------|
| <b>GAW Associates, Inc., Mt. Laurel, NJ</b> | <b>\$ 1,948.00</b> | <b>\$ 97,400.00</b> |
| Graybar Electric Co., Inc., Teterboro, NJ   | \$ 2,612.12        | \$ 130,610.50       |
| Interstate Electronics, Inc., Hazlet, NJ    | \$ 2,865.00        | \$ 143,250.00       |

Department Estimate: \$110,000.00

Bids were procured, and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is 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 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award a contract to GAW Associates, Inc., Mt Laurel, NJ in a total amount not to exceed \$97,400.00.

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### STATE CONTRACTS

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#### 220-06-2011

In a document dated June 13, 2011, Recommendation for Catch Basins, Inlets, and Manholes, Campbell Foundry Company, RM-1017, State Contract No. 71626, expiring 6/30/12, in the amount of \$100,000.00, was approved.

The Maintenance Department requisitioned a contract for the supply of foundry-cast items for use on Authority roadways, service areas, and all facilities. Under this contract, Campbell Foundry will provide items such as manhole frames, ladders and covers, drainage catch basins, as well as drainage grates and covers. These items are required throughout both roadways, and are manufactured to conform to N.J.D.O.T. specifications. The Authority will utilize New Jersey State Contract No. 71626, which expires June 30, 2012.

This contract was procured in accordance with N.J.A.C. 19:9-2.5(a), promulgated pursuant to N.J.S.A. 27:23-1 et seq., the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006). Accordingly, authorization is requested to award the referenced State Contract to Campbell Foundry Company, Inc. in the amount of \$100,000.00.

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#### 221-06-2011

In a document dated June 8, 2011, Recommendation for Fasteners and Hardware (Modification), GKY Industries, Contract No. 1045, State Contract # 72733 Expires 11/30/2011, Original Contract Amount of \$100,000.00, Amount Requested \$50,000.00, New Authorized Amount \$ 150,000.00, was approved.

In December, 2008, the Authority awarded a contract to GKY Industries, to supply various fasteners such as bolts, nuts, washers, screws, pins and rivets for inventory replenishment. This contract supplies fasteners for automotive repair as well as maintenance and construction. This was procured under a New Jersey State Contract which expiration date was recently extended through November 30, 2011. Funds have been depleted and the Inventory Division is requesting the authorized contract amount be increased by \$50,000.00 to purchase materials through the scheduled extension period.

This contract was procured in accordance with N.J.A.C. 19:9-2.5(a), promulgated pursuant to N.J.S.A. 27:23-1 et seq., the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006). Accordingly, approval is requested to increase the authorized amount of Contract No. 1045 by \$50,000.00 for a new authorized amount of \$150,000.00.

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#### 222-06-2011

In a document dated June 13, 2011, Recommendation for Heating Ventilation and Air Conditioning (Modification), Johnstone Supply d/b/a Z&Z Supply, Contract No. 947, State Contract No. # 71594 Expires 8/31/11, Original Contract Amount of \$170,000.00, Amount Requested \$20,000.00, New Authorized Amount \$190,000.00, was approved.

In June 2008, the Authority awarded a contract to Johnstone Supply Inc., d/b/a Z&Z Supply to provide Heating, Ventilation and Air Conditioning (HVAC) repair parts. These repair parts are used throughout all Authority buildings to repair and maintain HVAC systems. The contract was procured under a New Jersey State Contract which expiration date was recently extended through August 31, 2011. Funds have been depleted and the Maintenance Department is requesting the authorized contract amount be increased by \$20,000.00 to

purchase materials through the extension period.

This contract was procured in accordance with N.J.A.C. 19:9-2.5(a), promulgated pursuant to N.J.S.A. 27:23-1 et seq., the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006). Accordingly, approval is requested to increase the authorized amount of Contract No. 947 by \$20,000.00 for a new authorized amount of \$190,000.00.

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#### **223-06-2011**

In a document dated June 9, 2011, **Recommendation for Automotive Lubricants (Modification), Craft Oil Corporation, Contract No. 1092, Original Contract Amount of \$250,000.00, Amount Requested \$50,000.00, New Authorized Amount \$300,000.00**, was approved.

In February 2009, the Authority awarded a contract to Craft Oil Corporation to provide automotive lubricants, engine and gear oils, as well as hydraulic oils for the vehicle fleet which are stored in inventory. The contract was procured under a New Jersey State Contract which expiration date was recently extended through August 31, 2011. Funds have been depleted and the Inventory Division is requesting the authorized contract amount be increased by \$50,000.00 to purchase materials through the scheduled extension period.

This contract was procured in accordance with N.J.A.C. 19:9-2.5(a), promulgated pursuant to N.J.S.A. 27:23-1 et seq., the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006). Accordingly, approval is requested to increase the authorized amount of Contract No. 947 by \$50,000.00 for a new authorized amount of \$300,000.00.

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#### **224-06-2011**

In a document dated June 8, 2011, **Recommendation for Automotive and Truck Parts (Modification), Uni-Select USA, Contract No. 1222, Original Contract Amount of \$650,000.00, Amount Requested \$300,000.00, New Authorized Amount \$950,500.00**, was approved.

In 2007, the Authority participated in a joint procurement among the members of the New Jersey Interagency Coordinating Committee for the supply of aftermarket automotive and truck parts. The Authority issued a three-year contract to Uni-Select USA. In July, 2010, consistent with terms of the underlying contract, the Authority opted to extend the contract with Uni-Select USA for two years. This contract is widely used by Maintenance, Inventory, and NJ State Police (Troop D). Funds have been depleted and the Maintenance Department is requesting the authorized contract amount be increased by \$300,000.00 to purchase automotive items through the scheduled term which expires June 30, 2012.

This contract was procured in accordance with N.J.A.C. 19:9-2.5(a), promulgated pursuant to N.J.S.A. 27:23-1 et seq., the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006). Accordingly, approval is requested to increase the authorized amount of Contract No. 1222 by \$300,000.00 for a new authorized amount of \$950,000.00.

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#### **225-06-2011**

In a document dated June 16, 2011, **Recommendation for Consulting Services (Modification), IBM Corporation, R-84790, State Contract # 70265 Expires 8/31/2014, Original Contract Amount of \$330,000.00, Amount Requested \$58,080.00, New Authorized Amount \$388,080.00**, was approved.

In 2007, the Authority commenced an upgrade of its integrated financial accounting software system, namely PeopleSoft Financial project. The project was divided into several phases, upgrading each module. Subsequently, in June, 2009, the Authority awarded a contract to the IBM Corporation for Phase Two of the project for consulting services related to the upgrade of the Payroll Module. This contract was procured via the New Jersey State Contract system utilizing an award made between IBM Corporation and the Western States Contracting Alliances. The underlying services for Phase Two consisted of approximately 1,500 hours of consulting services, with IBM Corporation submitting monthly invoices to the Authority. IBM completed its consulting services for Phase Two in late 2010. The Technology and Administrative Services ("TAS") staff since discovered that three invoices submitted by IBM with respect to the Phase Two were unpaid. Thus, TAS requisitioned a modification to Contract No. 55368 in the amount of \$58,080 to pay these outstanding invoices and close-out Phase Two.

This contract was procured in accordance with N.J.A.C. 19:9-2.5(a), promulgated pursuant to N.J.S.A. 27:23-1 et seq., the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006). Accordingly, approval is requested to increase the authorized amount of Contract No. 55368 by \$58,080.00 for a new authorized amount of \$388,080.00.

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**SOLE SOURCE**

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**226-06-2011**

In a document dated June 14, 2011, **Recommendation for AASHTOWare Transport Expedite Software, American Association of State Highway & Transportation Officials, R-84465, in the amount of \$84,000.00**, was approved.

Authorization is requested to award a sole source contract to the American Association of State Highway and Transportation Officials ("AASHTO") for the AASHTOWare Trns.port Expedite® Software (the "Expedite® Software") for purposes of Internet e-bidding of public construction contracts. The sole source contract will include: (1) the initial annual license fee for the Expedite® Software together with (2) the one-time implementation cost of the Expedite® Software on the internet (the "Bid Express® Website"). The Bid Express® Website is owned and operated by Bidx.com, Inc., a subsidiary of Info Tech, Inc. Bidx.com, Inc. will install a dedicated link to the Authority's public bid construction projects on the Bid Express® Website and allow contractors to submit e-bids using the Expedite® Software. The Bid Express® Website will also offer the necessary and complimentary software (the "Bid Express® Software") that will allow the Authority to unlock and retrieve the contractor e-bids at the moment of bid opening. The Expedite® and Bid Express® Software work in tandem and are each essential in order to allow complete 100% electronic bid submission.

The Engineering Department had been utilizing a different software for e-bidding services and construction management since 2005. Upon analyzing various electronic bidding packages, the Engineering staff found that the Expedite® and Bid Express® Software are more efficient and cost effective and, unlike the current electronic bid platform, will allow for the submittal of 100% electronic bids. The Expedite® Software assembles the electronic bid package, checks for bid validity and verifies the electronic proposal/bid bonds. The Bid Express® Software permits the Authority to open and access the electronic bids. In addition, it is anticipated that cost savings to the Authority, by utilizing the Expedite® Software with the Bid Express® Software will exceed \$116,000 per year (attributed to reduced Engineering staff time and mailing of Addenda to bidders). Moreover, these are the electronic bidding software programs that are utilized by the Authority's sister agencies, namely, the New Jersey Department of Transportation and New Jersey Transit. The Engineering Department plans to test the Expedite® and Bid Express® Software on selected construction contracts and subsequently determine whether to expand to bidding on all construction contracts.

AASHTO is a nonprofit association that represents the member highway and transportation entities in the 50 states, the District of Columbia, and Puerto Rico. The Expedite® Software is proprietary to AASHTO, which is the publisher and holder of all copyrights. Similarly, the Bid Express® Software is proprietary to Bidx.com, Inc. Through a contractual arrangement between AASHTO and Bidx.com, Inc., Bidx.com, Inc. will have the right to debug, maintain and solve any Expedite® Software problems. Because of this contractual relationship no other vendor other than AASHTO is capable of providing the full electronic bidding services required. In addition, this electronic bid service is an exceptional circumstance, as electronic bidding will expedite the implementation and progress of construction and other Engineering contracts. Thus, it is recommended that the Expedite® Software and Internet Bid Submission Implementation Services contract be procured through AASHTO without public advertisement as a sole source exception to the public bidding laws and consistent with Executive Order No. 37. The cost for the initial annual software license is \$16,500, the license fee for the Expedite® Software, and \$67,500 as the one-time implementation cost on the Bid Express® Website.

Accordingly, authorization is requested to award a sole source contract to AASHTO for the AASHTOWare Trns.port Expedite® Software and Internet Bid Submission Implementation Services in an amount not to exceed \$84,000. The award will be made under the sole source procurement authorization of N.J.A.C. 19:9.2(d)1 as promulgated under N.J.S.A. 27:23-6.1. A resolution as required by N.J.A.C. 19:9-2.2(d)1 is attached hereto. This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the awardee(s) pursuant to Public Law 2005, and Executive Order No. 117 and having no objections to the same.

## RESOLUTION FOR SOLE SOURCE PROCUREMENT AASHTOWare Trns.port Expedite® Software

**WHEREAS**, the Engineering Department requisitioned award of a sole source to the American Association of State Highway & Transportation Officials ("AASHTO") for AASHTOWare Trns.port Expedite® Software and Internet Bid Submission Implementation Services (the "Expedite® Software");

**WHEREAS**, the Expedite® Software allows contractors to submit 100% electronic bids on the internet at the [www.bidx.com](http://www.bidx.com) domain name in conjunction with software owned by Bidx.com, Inc. that will allow the New Jersey Turnpike Authority to retrieve the contractors' electronic bids (the "Bid Express® Software");

**WHEREAS**, the Expedite® Software is used by sister agencies such as the State of New Jersey Department of Transportation and over thirty-five state and local agencies in the East; and has proven to be efficient and cost effective;

**WHEREAS**, AASHTO is the owner of the AASHTOWare® products which includes the Expedite® Software; a product proprietary to AASHTO;

**WHEREAS**, through a contractual arrangement with Bidx.com, Inc., the Expedite® Software will be set up at Bidx.com, Inc.'s website, [www.bidx.com](http://www.bidx.com) (The "Bid Express® Website"), by Bidx.com, Inc. for electronic bidding of New Jersey Turnpike Authority construction contracts by contractors;

**WHEREAS**, AASHTO is the sole means of providing a complete 100% electronic bid platform as a result of such contractual arrangement because of the use and interdependence of the Expedite® and Bid Express® Software;

**WHEREAS**, the New Jersey Turnpike Authority's regulations pursuant to N.J.A.C. 19:9-2.2(d)1 promulgated under N.J.S.A. 27:23-1 permits sole source procurement when only one source of the required goods or service exists;

**NOW THEREFORE, BE IT RESOLVED** that the New Jersey Turnpike Authority's Commissioners hereby authorize and approve award of a contract for AASHTOWare Trns.port Expedite® Software and Internet Bid Submission Implementation Services in an amount not to exceed \$84,000.00, as a sole source exception to procurement by public advertisement permitted by N.J.A.C. 19:9-2.2(d)1 promulgated under the New Jersey Turnpike Authority's enabling legislation, N.J.S.A. 27:23-6.1.

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### PROFESSIONAL SERVICES

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227-06-2011

In a document dated June 28, 2011, Recommendation for Toll Plaza Software Consulting Services, [P Square Solutions, LLC], RFP No. 108, in the amount of \$1,447,754.00, was approved.

The New Jersey Turnpike Authority ("Authority") issued a request for proposal ("RFP") for a private firm to provide toll plaza software consulting services ("Consultant"). Specifically, the Consultant will provide personnel to migrate toll plaza software from the existing client/server based to an updated java based system. The consulting services will provide supplemental programming staff to work with in-house programming staff in the development of an upgrade to our toll plaza software. The upgraded software is designed to run on a variety of platforms and is compatible with the ETC host. Completion of this phase is estimated to take 20 months and will allow the Authority to replace the aging plaza servers (43) with regionalized servers configured to serve multiple plaza locations on a single server. Initial estimates reduce the total number of physical servers from 43 to approximately 10. In addition, there will be an option to extend the contract under the same terms and conditions, for two additional one-year terms at the discretion of the Authority and concurrence of the Consultant.

The RFP was advertised on May 11, 2011 in the Star Ledger, the Times and posted on the State's and Authority's websites and distributed to five firms. A pre-proposal meeting was held on May 19, 2011 to provide uniform information to all prospective proposers. On June 3, 2011, the Authority received proposals from the following three firms:

- 1) CACI Technologies, Inc., Chantilly, VA ("CACI")
- 2) GCOM Software, Inc., Albany, NY ("GCOM")
- 3) P Square Solutions, LLC, Mount Laurel, NJ ("P Square")

The process for this professional services contract was conducted in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.1(b) promulgated pursuant thereto and Executive Order No. 37 (Corzine 2006). An evaluation committee ("Committee"), which was approved by the Executive Director, consisted of personnel from the

Authority's Electronic Toll Collection, Technology and Administrative Services and Human Resources Departments (the "Committee"). There were also staff members from the Authority's Purchasing and Law Departments serving as non-voting members of the Committee.

The Committee reviewed the proposals based on the criteria set forth in the RFP. (The Committee's Report which details the evaluation process is attached.) The Committee invited all three firms to make oral presentations on June 9, 2011. In addition, each firm was given the opportunity to submit best and final offers. Following the presentations, the Committee ranked the firms as follows:

| <u>Rank</u>                | <u>Cost</u>    |
|----------------------------|----------------|
| 1. P-Square Solutions, LLC | \$1,447,750.00 |
| 2. CACI Technologies, Inc. | \$1,730,148.84 |
| 3. GCOM Software, Inc.     | \$1,924,816.00 |

The Committee unanimously scored P-Square Solutions' proposal highest with 79.13/100 points. The Committee was impressed with P-Square Solutions' prior experiences in performing similar software development services for toll agencies, including the Authority. In fact, P-Square Solutions was the only firm with toll road experience. Furthermore, P-Square Solutions' cost proposal was most competitive. The ETC Department compared P-Square's hourly rates to their departmental estimate (based on a similar New Jersey State Contract), and found that P-Square Solutions' rates are reasonable given the firm's superior experiences. Moreover, P-Square is registered and certified with the New Jersey Department of Treasury as a Small Business and Minority Business Enterprise.

The Committee found that both CACI Technologies, Inc. and GCOM Software, Inc. were technically qualified to perform the services, however both lacked the exact software development experiences described in the RFP and both were significantly more costly than P-Square Solutions.

Accordingly, it is recommended that the professional services contract for the Toll Plaza Software Consulting Services be awarded to P-Square Solutions, LLC in an amount not to exceed \$1,447,750, subject to availability of funding at the time of services. (The cost will be for a total of 20 months; \$774,000 has been funded for 2011 and the remainder for 2012.) 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.

On motion by Vice Chairman Gravino and seconded by Commissioner Pocino, the Authority unanimously approved items 214-06-2011 through 227-06-2011; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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### TECHNOLOGY AND ADMINISTRATIVE SERVICES

Acting Director of Technology and Administrative Services Wayne Bruzek requested approval of item number 228-06-2011. Moved is the item as follows:

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#### 228-06-2011

In a document dated June 16, 2011, **Recommendation to Approve Supplement OPS A3352 In the amount of \$ 1,200,000.** was approved.

The Commissioners of the New Jersey Turnpike Authority approved Order for Professional Services No. ("OPS") A3352 at the December 15, 2010 meeting. Agenda item 296-10 the amount of \$17,000,000 was approved and agenda item 093-03-2011 the amount of \$670,000 at the March 29, 2011 meeting. At this juncture an additional \$1,200,000 is requested for approval as described herein.

The New Jersey Turnpike Authority's Technology and Administrative Services Department is in need of HNTB services to assist in the deployment management of the 200 million dollar ITS program and other initiatives which enhance the travelling experience. These projects include:

- ITS integration
- Project and quality management of the roadway wireless network project (Wi-Max)
- Supplemental tower installation inspections for WiMax
- Project management and quality control assistance for the TMC core software installation
- Completion of web based lane closing software and
- Software for the smart phone mobile applications

These supplemental services will not exceed \$1,200,000 in the aggregate. Each individual project request will follow the WRAF procedure as further described in resolution 296-10 and will not exceed \$250,000 each.

Therefore, it is recommended that the Commissioners of the Authority approve a supplement to OPS A3352 for the Technology and Administrative Services Department in the amount of \$1,200,000.

On motion by Vice Chairman Gravino and seconded by Commissioner Pocino, the Authority unanimously approved item 228-06-2011; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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## GENERAL BUSINESS

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## FINANCE

Chief Financial Officer Donna Manuelli requested approval of item numbers 229-06-2011 through 231-06-2011. Moved are the items as follows:

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### 229-06-2011

Chief Financial Officer Donna Manuelli presented the Financial Summary for the five (5) months ended May 31, 2011.

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### 230-06-2011

In a memorandum dated June 10, 2011, Recommendation to Extend Feeder Road Maintenance Cost Sharing Agreement Between the New Jersey Turnpike Authority and the State of New Jersey For the Period July 1, 2011 to June 30, 2012, was approved.

On June 18, 2009 the New Jersey Turnpike Authority entered into an Agreement with the State of New Jersey to provide reimbursement to the State for reconstruction, maintenance and repair of Feeder Roads. The existing Agreement provided funding to the State for the period of January 1, 2009 to June 30, 2010. On March 10, 2010 an extension of the Agreement for an additional year from July 1, 2010 to June 30, 2011, the State's fiscal year, was approved. At this time, authorization is requested to extend this Agreement for the period July 1, 2011 to June 30, 2012.

The Agreement provides for reimbursement to the State for reconstruction, maintenance and repair of Feeder Roads on 20 New Jersey Turnpike Interchanges and 36 Interchanges on the Garden State Parkway. These Feeder Roads involve approximately 280 lane miles at a cost of approximately \$28,575 per lane mile. Reimbursement to the State for the one year period will be \$8,001,000. The State agrees to maintain the Feeder Roads at Authority Interchanges in a state of good repair sufficient to support the safe and efficient access and egress onto the New Jersey Turnpike and Garden State Parkway.

It is, therefore, recommended that the Executive Director be authorized to extend this Agreement as described above for one year in the amount of \$8,001,000.

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### 231-06-2011

In a memorandum dated June 17, 2011, Authorization to Adopt Series 2011 Turnpike Revenue Bond Resolution, was approved.

Over the past several weeks, staff has reviewed a series of proposals from bond underwriters concerning potential refunding or restructuring of a portion of the Authority's variable rate debt portfolio which may produce long term financial savings to the Authority. Included in these proposals is the possibility to terminate, amend, or replace the existing Interest Rate Swap Agreements entered into in connection with the variable rate bonds.

The first opportunity exists with the Authority's Series 2003C-2 and 2003C-3 variable rate demand bonds. These bonds pay a variable interest rate which is reset weekly, with rates set based upon the credit rating of the liquidity provider, who agrees to buy the bonds back from bondholders when tendered. For the 2003C2 and C3 bonds, the liquidity provider is Dexia. Dexia has already notified the Authority that it will not renew its liquidity facility upon expiration in 2013, as it is exiting that business. Standard & Poor's has recently put Dexia on negative watch and expects a possible downgrade. As such, a number of the bonds have been tendered over the last several weeks, and although successfully remarketed we are now paying interest rates close to 2% on these bonds, as compared to an expected rate of approximately .15%. We have

been advised that many investors will not buy Dexia supported bonds and we should expect relatively high interest rates to continue into the future. Based on these current high interest rates, the Authority may have the opportunity to reduce its all in costs on these bonds and can obtain a bank letter of credit to support these bonds, refund these bonds and issue either alternate form variable rate debt, convert these bonds to another interest rate mode which does not require a liquidity facility, terminate, amend or replace the existing Interest Rate Swap Agreements on these bonds, or issue fixed rate debt. The proposed resolution would allow the Authority to pursue the option that is in the best long term interest of the Authority. The 2003C-1 bonds include West LB as the liquidity provider. These bonds are currently trading within acceptable interest rate ranges; however there is concern with all foreign banks and these bonds would only be refunded or converted if interest rates dramatically changed as in the case with the 2003C-2 and 2003C-3 bonds.

Staff has also been approached by a number of investors who are holding the Authority's Series 2000B-G auction rate bonds. The auction rate bond market has failed since late 2008, and is not expected to become a liquid market again. Interest rates on the bonds are currently based on a penalty rate of 175% of the base rate. These investors have offered to sell the Series 2000B-G bonds to the Authority at a discount. Depending on the amount of the discount and interest rates, the Authority may be able to refinance these bonds, terminate the associated swaps and make termination payments, and issue fixed rate debt on a cost neutral basis. If the economics are favorable, the Authority would most likely make a tender offer to all Series 2000B-G bondholders at a discount and would refinance the amount of bonds tendered. As an alternative to refinancing the Series 2000B-G bonds through a tender offer, the proposed resolution authorizes the conversion of these bonds to another permitted interest rate mode.

In connection with the conversion of the Series 2000B-G bonds and/or the Series 2003C bonds to another interest rate mode, the proposed resolution also authorizes the selection of remarketing agents, credit facility providers and liquidity facility providers for such converted bonds, as well as the selection of a liquidity provider to replace Dexia and/or West LB if the Series 2003C bonds remain in the weekly interest rate mode. The proposed resolution also authorizes the termination, amendment and entry into new swap agreements in connection with the refinancing or conversion of the Series 2000B-G bonds, the Series 2003C bonds and the other transaction authorized in connection therewith.

The proposed resolution provides potential debt service savings through refinancing or conversion of higher priced variable rate debt. As such, it is recommended that the Board adopt the Series 2011 Turnpike Revenue Bond Resolution in substantially the form attached hereto, and authorize the Executive Director to execute any and all documents necessary to finalize this document, and others as may be necessary to complete these transaction.

Your approval of this recommendation is respectfully requested.

On motion by Commissioner Hodes and seconded by Treasurer DuPont the Authority unanimously approved item 231-06-2011; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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## OPERATIONS

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Director of Operations Sean Hill requested approval of item number 232-06-2011. Moved is the item as follows:

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### 232-06-2011

Director of Operations Sean Hill requested acceptance of the Resume of All Fatal Accidents for the Garden State Parkway and New Jersey Turnpike: Period 1/1/11 through 6/8/11; both with 2010-2011 Yearly Comparisons through May 31, 2011.

On motion by Vice Chairman Gravino and seconded by Commissioner Diaz, the Authority unanimously accepted the reports and received for file.

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**STATE POLICE**

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Major Pamela Elliott requested approval of item number 233-06-2011. Major Elliott commended the efforts of Parkway Maintenance workers in reference to the recent murder investigation that led to the recovery of a body at approximately Milepost 119. Elliott indicated that without the assistance of the Maintenance Department in conducting lane closures law enforcement and first responders would not be able to do their jobs. This assistance was a byproduct of John Cifelli's leadership throughout his tenure.

Elliott commented on Vice Chairman Gravino's recent visits to State Police facilities on both roads. The Major stated that his visits meant a lot to the Troopers, it is important that they see an arm from the Turnpike recognizing their efforts.

Vice Chairman Gravino indicated that the soon to be opened Herbertsville Inspection building is an outstanding facility which will add to the safety of Parkway motorists because the facility will allow for thorough inspections of buses and trucks traveling on the Parkway. Gravino stated that the Authority is working towards upgrading the State Police facilities on both roadways. Vice Chairman Gravino also commended Director of Internal Audit Jim Carone for quickly handling an issue at the Moorestown barracks. Gravino also visited Turnpike toll plazas with Director Bob Quirk, who highlighted some repairs that need to be made at the facilities. ED Hakim stated that the Authority has expeditiously dealt with some issues already and is putting together a plan for the remaining issues. Vice Chairman Gravino closed by commenting on the good work the Authority has performed at the Arts Center, especially with the Phish shows and the minimal impact they had on the commuter parking lots. Moved is the item as follows:

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**233-06-2011**

Major Hines requested acceptance of the **New Jersey State Police Troop D Activity Reports**, For May, 2011, with 2010 – 2011 Yearly Comparisons.

On motion by Vice Chairman Gravino, seconded by Treasurer DuPont, the Authority unanimously accepted the reports and received for file.

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**PUBLIC COMMENT**

Chairman Simpson opened the floor to public comment on matters relating to the current agenda and all other matters.

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**No public comments****REMARKS**

Chairman Simpson asked Chief Engineer Raczynski about the conditions of the pedestrian overpasses in the northern area of the Parkway. Raczynski reported that several years ago the maintenance painting program was cut-back due to a shortage of revenues. After the 2008 toll increase, however, the Authority began a painting program for its major bridges and now is moving forward with the maintenance painting program for pedestrian bridges such as mentioned by the Chairman.

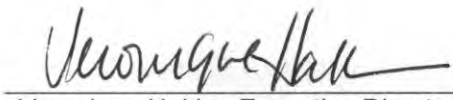
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The motion to adjourn was made by Chairman Simpson, Treasurer DuPont and Vice Chairman Gravino and, after the voice vote, the motion was duly adopted. The Authority adjourned at 10:20 a.m., to meet on Tuesday, July 26, 2011, at 9:30 A.M.

ATTEST:

  
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Sheri Ann Czajkowski  
Assistant Secretary to the Authority

  
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Veronique Hakim, Executive Director

Corporate Seal

Date: June 29, 2011  
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