

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

DELAWARE RIVER PORT AUTHORITY

BOARD MEETING

One Port Center  
2 Riverside Drive  
Camden, NJ

Wednesday, August 17, 2016

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

**PRESENT**

**Pennsylvania Commissioners**

Ryan Boyer, Chairman  
Elinor Haider  
Marian Moskowitz  
Osagie Imasogie (for Pennsylvania Treasurer Timothy Reese)  
Joseph Martz  
John Dougherty (for Pennsylvania Auditor General Eugene DePasquale)

**New Jersey Commissioners**

Jeffrey Nash, Esq., Vice Chairman  
Albert Frattali  
E. Frank DiAntonio  
Charles Fentress  
Tamarisk Jones (via telephone)

**DRPA/PATCO Staff**

John Hanson, Chief Executive Officer, DRPA/  
President, PATCO  
Maria Wing, Deputy Chief Executive Officer  
Raymond Santarelli, General Counsel and Corporate Secretary  
Kristen Mayock, Deputy General Counsel  
Stephen Holden, Deputy General Counsel  
Kathleen Vandy, Assistant General Counsel  
Richard Mosback, Assistant General Counsel  
Gerald Faber, Assistant General Counsel  
James White, Chief Financial Officer  
Daniel Auletto, Acting Chief Operating Officer  
Toni Brown, Chief Administrative Officer  
Michael Venuto, Chief Engineer  
Vijay Pandya, Principal Engineer, Engineering  
Valerie Bradford, Bridge Director, Benjamin Franklin and Betsy Ross Bridges  
William Shanahan, Director, Government Relations  
Mark Lopez, Manager, Government Relations  
Barbara Holcomb, Manager, Capital Grants

1 **DRPA/PATCO Staff (continued)**

2 Christina Maroney, Director, Strategic Initiatives  
3 Jack Stief, Chief of Police, Public Safety  
4 Steve Reiners, Director, Fleet Management  
5 Michael Williams, Acting Director, Corporate  
6 Communications and Community Relations  
7 John Rink, General Manager, PATCO  
8 Rohan Hepkins, Assistant General Manager, PATCO  
9 John Lotierzo, Director of Finance, DRPA / Acting  
10 Director of Finance, PATCO  
11 David Aubrey, Manager, Internal Audit  
12 Susan Squillace, Manager, Procurement and Stores  
13 Amy Ash, Acting Manager, Contracts Administration  
14 Sheila Milner, Administrative Coordinator  
15 Elizabeth Saylor, Administrative Coordinator  
16 Nancy Farthing, Executive Assistant to the CEO  
17 Ann Marie Jura, Summer Intern, Legal Department  
18 Art McLean, Toll Collector, Benjamin Franklin Bridge  
19 Eulisis Delgado, Custodian/Equipment, PATCO

20 **Others Present**

21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

1    **Others Present (continued)**

2    Arnold Alston, Vice President, Wells Fargo  
3    Robert Schiller, AmeriHealth  
4    Peter J. Torcicollo, Esq., Gibbons Law Firm  
5    Betsy Markel, President, Alpha Painting  
6    Tom Kousis, General Manager, Alpha Painting  
7    Arlene Friner, Principal, VantagePoint Associates  
8    Walter Desiderio, Principal, VantagePoint Associates  
9    Stephen Mullins, Principal, Econsult Solutions  
10   Ethan Conner-Ross, Director, Econsult Solutions  
11   Carol Smith, Principal, Global Synergies  
12   Michael Tucker, Director, Global Synergies  
13   Joe Quigley

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

I N D E X

|    | <u>Page</u> |
|----|-------------|
| 1  |             |
| 2  |             |
| 3  | 7           |
| 4  | 8           |
| 5  | 19          |
| 6  | 27          |
| 7  | 28          |
| 8  | 29          |
| 9  |             |
| 10 |             |
| 11 | 29          |
| 12 |             |
| 13 | 30          |
| 14 |             |
| 15 |             |
| 16 |             |
| 17 |             |
| 18 | 30          |
| 19 |             |
| 20 |             |
| 21 |             |
| 22 | 31          |

I N D E X (Continued)

|  | <u>Page</u> |
|--|-------------|
| 1  |             |
| 2  |             |
| 3  |             |
| 4  |             |
| 5  |             |
| 6  |             |
| 7  |             |
| 8  |             |
| 9  |             |
| 10   |             |
| 11   |             |
| 12   |             |
| 13   |             |
| 14   |             |
| 15   |             |
| 16   |             |
| 17   |             |
| 18   |             |
| 19   |             |
| 20   |             |
| 21   |             |
| 22   |             |
| Approval of Finance Committee Meeting Minutes of<br>August 10, 2016  | 32          |
| Adoption of Resolutions Approved by Finance Committee<br>of August 10, 2016  |             |
| DRPA-16-089      Selection of Qualified Firms<br>To Provide Underwriting and<br>Remarketing Services to the<br>Delaware River Port Authority   | 32          |
| DRPA-16-090      DRPA-PATCO Employee Assistance<br>Program (EAP) Provider 2017   | 32          |
| DRPA-16-091      Active Benefit-Eligible<br>Employees, Under Age 65 Retirees<br>and Eligible Dependents - Health<br>Benefits 2017 (DRPA/PATCO) | 33          |
| DRPA-16-092      Professional Consulting Services<br>to Develop Accountability<br>Network  | 33          |
| Unfinished Business  | 34          |
| New Business   |             |
| DRPA-16-093      Consideration of Pending DRPA<br>Contracts (Between \$25,000 and<br>\$100,000)  | 34          |
| Citizens Advisory Committee Report   | 34          |
| Abeyance   | 35          |

P R O C E E D I N G S

(9:07 a.m.)

CHAIRMAN BOYER: Good morning. Please rise for a moment of silence and the pledge to the American flag?

(Pledge of Allegiance.)

CHAIRMAN BOYER: I would like to call to order the Board meeting of the Delaware River Port Authority and ask the Corporate Secretary to call the roll.

MR. SANTARELLI: Chairman Boyer?

CHAIRMAN BOYER: Present.

MR. SANTARELLI: Vice Chairman Nash?

VICE CHAIRMAN NASH: Here.

MR. SANTARELLI: Commissioner Martz?

COMMISSIONER MARTZ: Here.

MR. SANTARELLI: Commissioner Frattali?

COMMISSIONER FRATTALI: Here.

MR. SANTARELLI: Commissioner Moskowitz?

COMMISSIONER MOSKOWITZ: Here.

MR. SANTARELLI: Commissioner Fentress?

COMMISSIONER FENTRESS: Here.

MR. SANTARELLI: Commissioner Haider?

1 COMMISSIONER HAIDER: Here.

2 MR. SANTARELLI: Commissioner DiAntonio?

3 COMMISSIONER DiANTONIO: Here.

4 MR. SANTARELLI: Commissioner Imasogie?

5 COMMISSIONER IMASOGIE: Here.

6 MR. SANTARELLI: Commissioner Jones?

7 COMMISSIONER JONES: Here.

8 MR. SANTARELLI: Commissioner Dougherty?

9 COMMISSIONER DOUGHERTY: Present.

10 MR. SANTARELLI: Mr. Chairman, you have a  
11 quorum.

12 CHAIRMAN BOYER: Thank you. We have public  
13 comment, and I'm told we have two people who wish to  
14 make public comment. Let's start with Eulisis  
15 Delgado, PATCO employee.

16 MR. DELGADO: Good morning, sir.

17 CHAIRMAN BOYER: Good morning.

18 MR. DELGADO: Good morning to the Board. It's  
19 nice to be here under your leadership.

20 CHAIRMAN BOYER: Thank you.

21 MR. DELGADO: You guys are doing a great job  
22 protecting jobs. I want to talk about a gentleman

1 that I have a lot of respect for. He's my General  
2 Manager at PATCO. A good job that he done about a  
3 month -- I think it was about a month and a half ago,  
4 that I couldn't believe it. When I was coming into  
5 work at 4 o'clock in the morning, my boss is right  
6 outside. We had a critical accident out there. One  
7 of our trucks flipped over. He was there. That's  
8 what I call a true leader and a person who really  
9 cares for his employees.

10 And I want to speak about another gentleman,  
11 one of our train operators. I think it's Philip  
12 DiCarlo. He's been around for four or five years. He  
13 did something good the other day, about a couple of  
14 weeks ago. There was a gentleman who was one of our  
15 passengers had a massive heart attack. And he called  
16 for an emergency on the train. Thanks to God, there  
17 were doctors and nurses in there, and they brought the  
18 gentleman back to life. Thanks to the leaders of  
19 PATCO, Brian who instructs some of his men that  
20 passengers come first when it comes to an emergency,  
21 helping them out as best as possible that they can.  
22 And they did a great job.

1           And Mr. Boyer, I want to thank you for your  
2 great leadership, that you really care, and  
3 Mr. Dougherty, really care about our union people.  
4 You guys are union heroes to us, who are really  
5 fighters for us, who is there for us. Under this  
6 Governor right here we have in New Jersey, he has done  
7 something tragic to us. Governor Christie thinks the  
8 Delaware River Port Authority is taxpayers' money.  
9 This is the working people's money who crosses these  
10 bridges here. He doesn't want to give us our raise  
11 and all that. I don't know what's going on. But  
12 under the Teamsters, we have saved this company in the  
13 benefits \$2½ million.

14           And another one, if DRPA joined in with us on  
15 our health and welfare, we could save another  
16 \$1 million. People coming together, we could  
17 accomplish a lot of good things in the DRPA. I hope  
18 Mr. Boyer and our Commissioners in here fight this  
19 Governor. Let him know this is a working people.  
20 He's not out there for the working middle class  
21 people. He's trying to destroy us. I don't know  
22 what's his problem.

1           But thanks. There's going to be an election  
2 next year. We're going to have a new Governor in New  
3 Jersey. Bless you all. Keep up the good work.

4           CHAIRMAN BOYER: Thank you for your comments,  
5 but we intend not to fight the Governor but to work  
6 with the Governor. He has sent us some great  
7 representation and we've been able to get through some  
8 tough issues with them in a very bipartisan fashion.  
9 He has Ms. Maples here now representing him. A young  
10 man, Chris Howard, left and went onto greater things,  
11 and we hope great things happen for her as well.

12           We have employees of Alpha Painting?

13           MR. TORCICOLLO: Mr. Chairman, yes, I'll be  
14 speaking for Alpha.

15           CHAIRMAN BOYER: Okay. State your name  
16 and spell the last name for the record, please.

17           MR. TORCICOLLO: I will. Good morning,  
18 Mr. Chairman, Mr. Vice Chair, and members of the  
19 Board. My name is Peter Torcicollo,  
20 T-o-r-c-i-c-o-l-l-o. I am an attorney with the  
21 Gibbons firm, and I represent Alpha Painting, one of  
22 the bidders on a contract that the Board is going to

1 be asked to consider today.

2 I have with me today Betsy Markel, President  
3 of Alpha, who is sitting two seats from where I was a  
4 moment ago, and Tom Kousis, who is the General Manager  
5 of Alpha. I thank all of you for the time you're  
6 about to give me today.

7 CHAIRMAN BOYER: You're a good lawyer. We  
8 know you get paid by the hour. Brevity is something  
9 we really appreciate.

10 (Laughter.)

11 MR. TORCICOLLO: I hear you, Chairman Boyer.  
12 I'm going to ask that you -- I beg your indulgences if  
13 I go slow for a moment. It's because my glasses are  
14 on my kitchen counter and I've got notes here, but  
15 it's far enough away from me that I think I should do  
16 okay.

17 So the contract in particular is actually  
18 Agenda Item Number 11 on the Board's agenda today.  
19 It's Contract CB-31-2016. It is for the painting of  
20 the Commodore Barry Bridge, the Pennsylvania Spans.

21 The contract, as I think everyone knows, was  
22 let out for bid pursuant to this Authority's

1 Procurement Manual, as well as an invitation for bids  
2 that was adopted by the DRPA. Both of these documents  
3 unequivocally mandate that the contract must be given  
4 to the lowest responsible bidder. My client, Alpha,  
5 is that bidder. We are the low bid. Yet the Board is  
6 being asked today in your Agenda Item Number 11 to  
7 approve a Resolution awarding the contract to a  
8 different bidder, a bidder that is not the lowest  
9 responsible bidder.

10 The reason for that appears to be simple,  
11 perhaps not, but it appears that the DRPA staff made a  
12 mistake and erroneously believed that Alpha had not  
13 submitted two documents along with its bid. One of  
14 them relates to workplace accidents over the past  
15 three years, and the other one relates to workers'  
16 compensation-type claims, which result in some sort of  
17 factoring that's done on these bids.

18 It is our position, and we believe that the  
19 law supports it, that neither of those documents, even  
20 if they had been omitted from Alpha's bids, would have  
21 constituted a material defect in the bid. But the  
22 simple fact is that they were both submitted with the

1 bid. That fact is borne out by sworn certifications  
2 that have been submitted by my client in connection  
3 with its bid protest, its formal bid protest that it  
4 submitted that is part of the record for the Board's  
5 consideration.

6 Alpha submitted its bid on June 16th of 2016,  
7 and after submission of its bid, Mr. Kousis reached  
8 out to DRPA staff multiple times and said, "Hey, is  
9 there anything else you need from Alpha during your  
10 consideration of the bid?" Nobody responded then.  
11 Multiple requests. At one point, he said, "Hey, I'm  
12 going to be going out of town; if there is any  
13 information you need, please let me know." No one  
14 responded.

15 At the same time, however, and unbeknownst to  
16 anyone from Alpha, the DRPA had made this conclusion,  
17 erroneous in our view, that these two documents were  
18 missing. And they reached out not for anyone from  
19 Alpha, but they called unilaterally Alpha's insurance  
20 broker and said, "Hey, what about this information  
21 we're looking for?" There is also a sworn  
22 certification submitted by Alpha's insurance broker to

1 this Board for its consideration with our bid protest  
2 where she offered to provide additional information to  
3 DRPA but was told by DRPA staff that it was  
4 unnecessary.

5 Now, my view, Alpha's bid that it submitted  
6 contained the information that was requested, the  
7 information that folks from DRPA reached out to  
8 Alpha's insurance broker looking for. This could  
9 easily have been resolved and all the confusion could  
10 have been avoided by someone just picking up the phone  
11 and calling Alpha, and saying, "Hey, Alpha, we're  
12 reviewing the bid; there's these two documents, we  
13 can't seem to find them, what's the deal?" But it  
14 never happened.

15 Nobody from DRPA ever contacted anyone from  
16 Alpha, made any effort whatsoever to try to resolve  
17 this issue about these perceived missing documents.  
18 They called a third-party insurance broker. This  
19 isn't an in-house insurance person from Alpha. This  
20 is a broker. It's their third-party vendor. So  
21 instead of contacting Alpha directly, which they  
22 almost certainly could have done and could have

1 cleared up the confusion, on July 28th -- so remember  
2 Alpha submits its bid on June 16th -- there is nothing  
3 from anyone. July 28th, they receive in an e-mail an  
4 undated letter.

5 Now, we've gotten a lot of letters from DRPA  
6 over the past six weeks. All of them have dates on  
7 them except for this one. Undated letter received in  
8 the e-mail that says we've determined that you guys  
9 are not responsible because these documents were  
10 missing. Now, the DRPA's own Procurement Manual  
11 specifically requires that issues of responsiveness  
12 must be determined within 10 days receipt of the bid.  
13 So this is 30 days beyond that 10-day period.

14 The DRPA in correspondence to both Alpha and  
15 to my law firm have described the process and  
16 undertook an investigation. Think about that. What  
17 kind of investigation can you do when you don't even  
18 call the person whose information it is that you're  
19 seeking? The phone call was never made. We submit to  
20 the Board respectfully that that investigation and the  
21 decision that emanated from it constitute arbitrary  
22 and capricious action and that my client, Alpha, has

1 been denied its due process rights in connection with  
2 this very important public procurement.

3 To say that it's unusual, I think, is an  
4 extraordinary understatement. So Alpha received a  
5 letter on July 28th and immediately protested the  
6 determination in writing. Since that time Alpha has  
7 submitted two additional formal written protests,  
8 including one with briefing and certifications. In  
9 each of the protests, Alpha has requested a hearing.  
10 Each of those hearing requests have been denied,  
11 notwithstanding that Alpha's own procurement manual --  
12 the DRPA's Procurement Manual -- and the invitation  
13 for bids for this particular contract both contemplate  
14 hearings for protested bids.

15 Mr. Commissioner, members of the Board, we  
16 believe that everything we've submitted to this point  
17 has made the necessary showing to allow this Board to  
18 award the contract to Alpha. It is, after all, the  
19 lowest responsible bidder, and the contract must be  
20 awarded to the low bidder. If the Board disagrees  
21 with that argument, we respectfully disagree, but we  
22 would submit that, at minimum, Alpha is entitled to a

1 full hearing on the merits of this bid challenge so it  
2 can demonstrate conclusively that it has submitted  
3 these requested documents and to create a record for  
4 subsequent legal action if it's necessary.

5 And that's pretty much the story of Alpha's  
6 bid and what happened with it. But there's subsequent  
7 action that makes an already bad and bizarre situation  
8 even worse and potentially more bizarre, and that is  
9 that the DRPA has now currently determined that three  
10 of the remaining six bidders submitted bids that  
11 overcharged for mobilization and cleanup costs on the  
12 bid.

13 There's a very specific requirement in this  
14 procurement about how much could be charged for  
15 mobilization and cleanup costs. The three bidders,  
16 including the one that you're going to be asked to  
17 approve a Resolution and award the contract to, all  
18 exceeded this amount. And the defect, ladies and  
19 gentlemen, is absolutely material to those bids. It  
20 renders them noncompliant on their face. But the DRPA  
21 Contract Administration Unit has offered to adjust  
22 their bids on its own and asked them to sign off on a

1 new bid price.

2           So make no mistake, this was not a  
3 mathematical or computational error. This was an  
4 excessive bid that violated the procurement terms on  
5 their face. The procurement terms -- this entire  
6 procurement process is to provide a level playing  
7 field and to advance the public interest. It's to  
8 further honesty and integrity, not only among bidders  
9 but of the process itself. And when that process  
10 fails, the whole system fails. So the public interest  
11 is paramount. The goal should always be to find the  
12 most economical result.

13           Board members, I hope that I haven't taken up  
14 too much of your time this morning. I'm done. I'm  
15 here, and Mr. Kousis, Ms. Markel are here. If anyone  
16 has any questions for us, we'll do our level best to  
17 try to answer them. But we urge this Board to take  
18 the proper action here.

19           CHAIRMAN BOYER: Thank you, sir.

20           We're going to now have the Report of the  
21 Chief Executive Officer, John Hanson. Do you have any  
22 comments on your report?

1           MR. HANSON: Thank you, Chairman Boyer. My  
2 written report stands as submitted. I would like to  
3 highlight a few items as required under the Bylaws.

4           First, I'm going to discuss my use of  
5 emergency powers. Under my emergency powers, since we  
6 last met I approved a right-of-entry for access to the  
7 PATCO Woodcrest Station property for Dunkin' Donuts to  
8 hand out iced coffee samples to PATCO passengers from  
9 3:00 to 7:00 p.m., on July 25, 2016, in support of  
10 their Transit Tuesday promotion.

11           Under stewardship, the following are examples  
12 of exemplary stewardship demonstrated by our DRPA and  
13 PATCO employees and I am extremely proud of their  
14 efforts. First, on Friday, August 5, 2016, at  
15 8:15 a.m., Toll Collector Art McLean came to the Ben  
16 Franklin Bridge Tollhouse with a paycheck he had found  
17 outside of Lane Number 4. The check, for a few  
18 hundred dollars, was dated August 3, 2016, and was  
19 issued by Dovelin Enterprises in West Berlin, New  
20 Jersey. Plaza Supervisor Kevin Price contacted the  
21 president of Dovelin Enterprises and informed her that  
22 one of her employees had lost their paycheck and that

1 it had been turned into the tollhouse by a toll  
2 collector who had found it on the ground.

3           The president then had her employee call Kevin  
4 directly to make arrangements to pick up the check.  
5 The paycheck was picked up later that same afternoon  
6 by a very thankful customer. We have Toll Collector  
7 Mr. McLean with us today. If you would stand and be  
8 recognized?

9           (Applause.)

10           MR. HANSON: A PATCO customer, Sarah, was so  
11 appreciative of the service of Customer Service Agents  
12 Shirla Mitchell-Reed and Christopher Cruz that she  
13 sent in scratch-off lottery tickets and Starbucks gift  
14 cards. Sarah was contacted for her address and the  
15 gifts were returned because we can't accept them. She  
16 understood that we couldn't accept the gifts, but she  
17 was adamant that the message be relayed as to how much  
18 she appreciated getting her wallet back from these  
19 PATCO employees. Not only was all her money in the  
20 wallet, but there was a \$7,000 check in the wallet as  
21 well, and it was all returned. She understands that  
22 our employees can't accept anything from a customer,

1 but she was pleased to hear that we recognize  
2 outstanding customer service, and she asked that we  
3 recognize her appropriately.

4 Another customer wrote us and said, "You guys  
5 rock," in order to praise Police Officer Kevin Doran  
6 and our Motorist Assistance Program. They wrote, "Our  
7 tire blew out tonight as we were crossing the Walt  
8 Whitman Bridge. We had to pull over on the off ramp  
9 as cars went by. While we were concerned about our  
10 predicament, within minutes -- before we had a chance  
11 to worry -- Officer Kevin Doran pulled up and  
12 immediately put our mind at ease. Officer Doran  
13 called your Motorist Assistance Program and within  
14 another few minutes the MAP vehicle arrived. A few  
15 minutes later, the crew had changed our tire for us,  
16 and Officer Doran led us to a service shop down the  
17 road. Wow, I don't know when we've ever had such  
18 great service from any entity, public or private. We  
19 are very thankful to your professional, efficient, and  
20 super-courteous team. Thank you so much. While we  
21 can't pay you back, we'll try to pay it forward. Best  
22 regards, Ali Jalili."

1           A customer called our customer service agent  
2 to report her recent experience while traveling PATCO.  
3 The customer, who had been at the Lindenwold Station  
4 around midnight, stated that a PATCO employee, while  
5 taking out the trash and cleaning, had assisted her.  
6 Way & Power Employee Custodian Mark Tucci made her  
7 feel safe while periodically checking up on her and  
8 making sure she got directions to her next  
9 destination.

10           I am very happy to report that for the first  
11 time in recent memory, during the month of July, there  
12 were no recordable incidents of injury at any of our  
13 four bridges or One Port Center, including the Police  
14 Department. This takes great teamwork and effort to  
15 make this happen.

16           The Ben Franklin Bridge was named as a best  
17 Urban Hike. *Philadelphia Magazine* named the Ben  
18 Franklin Bridge as its "Best of Philly 2016 Urban  
19 Hike" in its August 2016 issue. Best of Philly® has  
20 been recognized as a mark of excellence in  
21 Philadelphia for many years. According to the  
22 editors, "This is one of those Philly activities you

1 always mean to do but never actually get around to  
2 doing. It's worth it: Once you reach the apex of the  
3 near two-mile span, you'll be treated to the best view  
4 of the skyline in the entire city."

5 Chief Administrative Officer Toni Brown and  
6 staff participated in Women in Transportation,  
7 Philadelphia Chapter Diversity Unit. The Diversity  
8 and Membership Committees of the WTS Philadelphia  
9 Chapter hosted an event on July 19, 2016, entitled,  
10 "Leveraging Diversity to Build an Inclusive  
11 Transportation Network," on which CAO Toni P. Brown  
12 served as a panelist. Also joining CAO Brown at the  
13 event were: Erin Watterson, EEO Specialist; Ron Kelly,  
14 Compliance, the Office of Business Development and  
15 Equal Opportunity; Elisabeth Klawunn, Engineering; and  
16 Amy Ash, Contract Administrator. Erin, Ron, Lis, and  
17 Amy participated in the DBE Expo and membership mixer  
18 that followed the panel presentation.

19 Finally, two updates on summer intern  
20 accomplishments. As we reported last month, our DRPA  
21 and PATCO summer interns started working early in June  
22 and have already made meaningful contributions to our

1 operations. I wanted to highlight a couple of  
2 assignments recently completed by our interns.

3 One intern assisted us in compilation of the  
4 DRPA Annual Report. DRPA Summer Intern Meaghan  
5 Courtney has been assisting the staff of the Finance  
6 Department in the review and completion of the 2016  
7 Annual Report, a significant publication our  
8 organization compiles for the public, our  
9 stakeholders, and bondholders each year. The Annual  
10 Report includes information such as Authority  
11 achievements in the area of operating expenses,  
12 provides information on annual vehicle crossings over  
13 our four bridges, annual ridership at PATCO,  
14 information on the progress of our capital projects,  
15 and, of course, our audited financial statements. In  
16 recognition of her contribution, Meaghan's name  
17 appears on the back cover of this year's report, which  
18 CFO Jim White has distributed to you already and you  
19 have in front of you.

20 "A tremendous asset to the DRPA Purchasing  
21 Department," these are the words Susan Squillace,  
22 Manager, Procurement and Stores, DRPA/PATCO, wrote in

1 describing purchasing Summer Intern Charles "Charlie"  
2 Livecchi, Jr. Some of the projects and tasks on which  
3 Charlie Livecchi assisted included: providing  
4 administrative support for the buying staff of bid  
5 specification preparation and bid package mail out;  
6 attending the Purchasing Department's public bid  
7 openings and recording bid submittals; expediting open  
8 purchase orders; preparing off-site departmental  
9 record storage files and completing required  
10 documentation; and, assisting the Purchasing Manager  
11 with Public Safety Uniform Card Program  
12 implementation. I would also like to note that  
13 Charles Livecchi is the son of deceased Purchasing  
14 Department member Charles Livecchi, Sr.

15 That concludes my oral Report.

16 CHAIRMAN BOYER: Thank you. Any questions on  
17 the CEO's report? If there are no questions, I'll  
18 entertain a motion to approve the Report.

19 COMMISSIONER FRATTALI: So moved.

20 COMMISSIONER FENTRESS: Second.

21 CHAIRMAN BOYER: All in favor?

22 ALL: Aye.

1           CHAIRMAN BOYER: All opposed? Ayes carry.

2           We now will have the Report of the Chief  
3 Financial Officer. Jim White?

4           MR. WHITE: Good morning, Mr. Chairman,  
5 Mr. Vice Chair, and the Commissioners. As CEO John  
6 Hanson just mentioned, you should have a copy of the  
7 2015 Annual Report next to you this morning. It has  
8 been on the website for a number of weeks, but we have  
9 done a limited printing of this Annual Report which we  
10 have distributed to you this morning. As John said,  
11 great work on the part of our staff, and our summer  
12 intern also gave some valuable assistance in the  
13 preparation of that Annual Report.

14           My report stands as submitted. The only thing  
15 I did want to highlight is the execution of our LOC  
16 replacement plan that was finalized on July 25th when  
17 two maturing LOCs were terminated and we completed  
18 transactions with two banks to replace them with  
19 direct purchase loans. So, the strategy we've been  
20 working on since January of this year to handle our  
21 expiring LOCs has been completed with a favorable  
22 result to the DRPA.

1           Finally, I just wanted to mention that our  
2 numbers are still looking very good. I did get some  
3 numbers for the month of June, which are not included  
4 in the stats report as part of your packet, but we  
5 continue year-to-date through June to be roughly 6.2  
6 percent above traffic from last year. Toll revenues  
7 are around 5.8 percent above last year. In terms of  
8 the budget, DRPA traffic is 8 percent above, and toll  
9 revenues are around 10.7 percent above. Again, our  
10 numbers are very good. We're having a very successful  
11 year both in terms of budget and revenues. That  
12 concludes my report.

13           CHAIRMAN BOYER: Any questions on Jim's  
14 report? Thank you, Jim.

15           MR. WHITE: Thank you.

16           CHAIRMAN BOYER: Approval of the July 20, 2016  
17 DRPA Board minutes. The minutes were previously  
18 provided to all Commissioners. I'll accept a motion.

19           COMMISSIONER FENTRESS: Move the motion.

20           COMMISSIONER DiANTONIO: Second.

21           CHAIRMAN BOYER: All in favor?

22           ALL: Aye.

1 CHAIRMAN BOYER: All opposed? Ayes carry.

2 I'm going to make a motion that we go into  
3 Executive Session before we vote on the previously  
4 approved payments and any contracts.

5 COMMISSIONER FENTRESS: Move the motion.

6 COMMISSIONER DiANTONIO: Second.

7 CHAIRMAN BOYER: All in favor?

8 ALL: Aye.

9 CHAIRMAN BOYER: All opposed? Ayes carry.

10 Could anyone that doesn't belong in the  
11 Executive Session please leave the room?

12 (Off the record at 9:33 a.m.)

13 (On the record at 9:53 a.m.)

14 CHAIRMAN BOYER: Monthly List of Previously  
15 Approved Payments Covering the Month of July 2016, and  
16 the Monthly List of Previously Approved Purchase  
17 Orders and Contracts Covering the Month of July 2016.  
18 I will accept a motion to receive and file the list of  
19 Previously Approved Payments Covering the Month of  
20 July 2016, and the List of Previously Approved  
21 Purchase Orders and Contracts Covering the Month of  
22 July 2016.

1 COMMISSIONER DiANTONIO: So moved.

2 CHAIRMAN BOYER: Can I get a second?

3 COMMISSIONER FENTRESS: Second.

4 CHAIRMAN BOYER: All in favor?

5 ALL: Aye.

6 CHAIRMAN BOYER: All opposed? Ayes have it.

7 Approval of the Operations and Maintenance  
8 Committee Meeting Minutes of August 2, 2016 and August  
9 10, 2016. These minutes were previously provided to  
10 all Commissioners. I will accept a motion.

11 COMMISSIONER FENTRESS: So moved.

12 COMMISSIONER MOSKOWITZ: Second.

13 CHAIRMAN BOYER: All in favor?

14 ALL: Aye.

15 CHAIRMAN BOYER: All opposed? Ayes carry.

16 Adoption of Resolution approved by the  
17 Operations and Maintenance Committee of August 2,  
18 2016. There is one item from the Operations and  
19 Maintenance Committee for consideration. It is as  
20 follows: Construction Monitoring Services for  
21 Contract Number CB-31-2016, Commodore Barry Bridge  
22 Painting, Phase II, Pennsylvania Approach Spans. I

1 will accept a motion to adopt DRPA-16-087.

2 COMMISSIONER DiANTONIO: So moved.

3 COMMISSIONER FENTRESS: Second.

4 CHAIRMAN BOYER: All in favor?

5 ALL: Aye.

6 CHAIRMAN BOYER: All opposed? Ayes carry.

7 Adoption of Resolution approved by the  
8 Operations and Maintenance Committee on August 10,  
9 2016. There is one item for the Operations and  
10 Maintenance Committee for consideration. It is as  
11 follows: Contract Number CB-31-2016, Commodore Barry  
12 Bridge Painting, Phase II, Pennsylvania Approach  
13 Spans. I will accept a motion to adopt DRPA-16-088.

14 COMMISSIONER FENTRESS: Move the motion.

15 COMMISSIONER FRATTALI: Second.

16 CHAIRMAN BOYER: All in favor?

17 ALL: Aye.

18 CHAIRMAN BOYER: All opposed? Ayes carry.

19 Approval of the Finance Committee Meeting  
20 Minutes of August 10, 2016. The minutes were  
21 previously provided to all Commissioners. I will  
22 accept a motion.

1 COMMISSIONER FRATTALI: So moved.

2 COMMISSIONER FENTRESS: Second.

3 CHAIRMAN BOYER: All in favor?

4 ALL: Aye.

5 CHAIRMAN BOYER: All opposed?

6 COMMISSIONER DOUGHERTY: Mr. Chairman, I'm  
7 abstaining.

8 CHAIRMAN BOYER: Please note that Commissioner  
9 Dougherty abstained from that vote. Ayes carry.

10 Adoption of Resolutions approved by the  
11 Finance Committee, August 10, 2016. They are as  
12 follows: DRPA-16-089, Selection of Qualified Firms to  
13 Provide Underwriting and Remarketing Services to the  
14 Delaware River Port Authority. I will accept a motion.

15 COMMISSIONER FRATTALI: So moved.

16 COMMISSIONER FENTRESS: Second.

17 CHAIRMAN BOYER: All in favor?

18 ALL: Aye.

19 CHAIRMAN BOYER: All opposed? Any  
20 abstentions? Ayes have it.

21 DRPA-16-090, DRPA-PATCO Employee Assistance  
22 Program Provider for 2017. I will accept a motion.

1 COMMISSIONER FRATTALI: So moved.

2 CHAIRMAN BOYER: Can I get a second?

3 COMMISSIONER HAIDER: Second.

4 CHAIRMAN BOYER: All in favor?

5 ALL: Aye.

6 CHAIRMAN BOYER: All opposed? Any  
7 abstentions? Ayes have it.

8 DRPA-16-091, Active Benefit-Eligible  
9 Employees, Under Age 65 Retirees and Eligible  
10 Dependents - Health Benefits for 2017. I'll accept a  
11 motion.

12 COMMISSIONER FRATTALI: So moved.

13 COMMISSIONER DIANTONIO: Second.

14 CHAIRMAN BOYER: All in favor?

15 ALL: Aye.

16 CHAIRMAN BOYER: All opposed? Any  
17 abstentions? Ayes have it.

18 DRPA-16-092, Professional Consulting Services  
19 to Develop Accountability Network. Can I have a  
20 motion?

21 COMMISSIONER FRATTALI: So moved.

22 CHAIRMAN BOYER: Second?

1 COMMISSIONER DiANTONIO: Second.

2 CHAIRMAN BOYER: All in favor?

3 CHAIRMAN BOYER, VICE CHAIRMAN NASH,

4 COMMISSIONERS FRATTALI, FENTRESS, DiANTONIO,

5 MOSKOWITZ, DOUGHERTY, HAIDER, JONES & IMASOGIE: Aye.

6 CHAIRMAN BOYER: All opposed? Any

7 abstentions?

8 COMMISSIONER MARTZ: Abstention.

9 CHAIRMAN BOYER: Ayes have it.

10 Unfinished Business. Are there any items for

11 Unfinished Business for the DRPA Board?

12 There being none, New Business. There is one

13 item for New Business for consideration for approval.

14 It is as follows: Consideration of Pending DRPA

15 Contracts Between \$25,000 and \$100,000. I'll accept a

16 motion to adopt DRPA-16-093.

17 COMMISSIONER FENTRESS: Move the motion.

18 COMMISSIONER FRATTALI: Second.

19 CHAIRMAN BOYER: All in favor?

20 ALL: Aye.

21 CHAIRMAN BOYER: All opposed? Ayes carry.

22 Citizens Advisory Report: Is there a Report

1 from the Citizens Advisory Committee?

2 MR. HANSON: There was no meeting this month.

3 CHAIRMAN BOYER: There was no meeting this  
4 month, so we will not hear a report.

5 We are now going to hold in abeyance the DRPA  
6 Board meeting and convene the PATCO Board meeting.

7 (Whereupon, the meeting was held in abeyance  
8 on Wednesday August 17, 2016 at 9:58 a.m.)

9 (Whereupon, the meeting ended on Wednesday,  
10 August 17, 2016 at 10:41 a.m.)

11

12 Respectfully Submitted,

13

14 Raymond J. Santarelli  
15 General Counsel and  
Corporate Secretary

16

17

18

19

20

21

22

C E R T I F I C A T E

1  
2 This is to certify that the attached  
3 proceedings before the Delaware River Port Authority  
4 on August 17, 2016, were held as herein appears, and  
5 that this is the original transcript thereof for the  
6 file of the Authority.  
7  
8  
9

10 

11 Tom Bowman

12 FREE STATE REPORTING, INC.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22