

“Executive Director” means that individual so designated by the Authority.

“Garden State Parkway” or “Parkway” means the highway project known as the Garden State Parkway as defined and described in L.1952, c.16 and more particularly Section 20 thereof, expressly including, but not limited to, the

Garden State Arts Center, the Telegraph Hill Nature Area, to the extent provided in an Agreement dated April 23, 1992 among the Authority, the New Jersey Vietnam Veterans Memorial Committee and the State of New Jersey, the Vietnam Veterans Memorial and all real property owned by, operated or under the jurisdiction of the Authority and any improvements thereon.

New Jersey State Library

"Hazardous material" means any material or substance that is capable of posing a risk to health, safety and property or as set forth in N.J.A.C. 7:E1-17, N.J.A.C. 7:26-8, 40 CFR Part 261 and 49 CFR Part 172, as amended or recodified.

"Heavy truck" means a truck with two axles and four tires weighing more than 6,999 pounds, a truck with two axles and six or more tires, or a truck with three or more axles.

"Loitering" means remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly, and which also includes the colloquial expression "hanging around".

"Motorcycle" means a two or three-wheel vehicle with the motive power a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, excluding motor scooters, minibikes and bicycles and any other vehicle not registered with the New Jersey Division of Motor Vehicles for use on limited access highways of this State having a regulatory speed limit of 55 miles per hour.

"Omnibus" means any motor vehicle used to transport passengers for hire, excluding taxicabs.

"Parkway" means the Garden State Parkway.

"Passenger motor vehicle" means a motor vehicle used and designed to transport passengers.

"Telegraph Hill Nature Area" means that approximately 400 acre tract including, but not limited to, forest, groves, gardens, picnic areas, nature trails, exercise areas and any improvements thereon, also encompassing the Vietnam Veterans Memorial and the Garden State Arts Center, located in Holmdel, New Jersey.

"Vietnam Veterans Memorial" means that structure containing the open air memorial to the New Jersey servicemen and women who were killed or reported missing in action in the Vietnam Conflict, its environs, including, but not limited to, the Vietnam Era Education Center, located in Telegraph Hill Nature Center.

As amended, R.1974 d.158, effective June 20, 1974.

See: 6 N.J.R. 281(b).

As amended, R.1975 d.145, effective May 29, 1975.

See: 7 N.J.R. 241(b), 7 N.J.R. 350(d).

As amended, R.1975 d.332, effective November 1, 1975.

See: 7 N.J.R. 491(a), 7 N.J.R. 579(b).

As amended, R.1976 d.167, effective May 28, 1976.

See: 8 N.J.R. 264(a), 8 N.J.R. 359(b).

As amended, R.1977 d.113, effective April 1, 1977.

See: 9 N.J.R. 151(a), 9 N.J.R. 246(a).

As amended, R.1977 d.419, effective November 27, 1977.

See: 9 N.J.R. 497(b), 9 N.J.R. 603(d).

As amended, R.1978 d.257, effective July 28, 1978.

See: 10 N.J.R. 307(b), 10 N.J.R. 408(b).

As amended, R.1984 d.29, effective February 21, 1984.

See: 15 N.J.R. 2153(a), 16 N.J.R. 381(a).

Definition of "vehicles" changed to expedite determination of weight violation.

Amended by R.1988 d.160, effective April 18, 1988 (operative May 1, 1988).

See: 20 N.J.R. 49(a), 20 N.J.R. 913(c).

Added definitions "bus token", "car token", "heavy truck"; amended definition of "car".

Amended by R.1989 d.182, effective April 3, 1989 (operative April 16, 1989).

See: 21 N.J.R. 127(a), 21 N.J.R. 914(b).

"Car token"—deleted "discount" and "\$0.50", added "TOKEN ONLY".

Amended by R.1990 d.479, effective October 1, 1990.

See: 22 N.J.R. 2128(a), 22 N.J.R. 3164(a).

Passenger vehicles with more than four wheels and two axles may use Garden State Parkway.

Amended by R.1992 d.178, effective April 20, 1992 (operative May 1, 1992).

See: 24 N.J.R. 557(a), 24 N.J.R. 1515(a).

Added definition "amphitheater"; revised "Arts Center".

Amended by R.1994 d.519, effective October 17, 1994.

See: 26 N.J.R. 3249(a), 26 N.J.R. 4211(a).

Amended by R.1995 d.631, effective December 4, 1995.

See: 27 N.J.R. 3769(a), 27 N.J.R. 4908(b).

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Added "Division head" and "Executive Director".

Amended by R.1998 d.210, effective May 4, 1998.

See: 30 N.J.R. 806(a), 30 N.J.R. 1635(d).

Rewrote "Arts Center" definition and deleted "Garden State Arts Center" definition.

19:8-1.2 Speed limits

(a) Unless otherwise posted or when conditions make such maximum legal rate of speed unsafe, the maximum legal rate of speed at which any motor vehicle may be operated on the main roadway of the Parkway in both directions of traffic shall be 55 miles per hour for its entire length, except as follows:

1. Forty-five miles per hour on the Great Egg Harbor Bridge; and
2. Forty-five miles per hour on the Alfred E. Driscoll Bridge.

(b) Unless otherwise posted, or when conditions make such maximum legal rate of speed unsafe, the maximum legal rate of speed at which any motor vehicle may be operated at facilities off the main roadway of the Parkway shall be 25 miles per hour.

Amended by R.1973 d.327, effective November 21, 1973.

See: 6 N.J.R. 41(a).

Amended by R.1974 d.6, effective January 9, 1974.

See: 6 N.J.R. 88(b).

Amended by R.1979 d.339, effective August 30, 1979.

See: 11 N.J.R. 415(c), 11 N.J.R. 530(a).

Amended by R.1982 d.325, effective October 4, 1982.

See: 14 N.J.R. 827(a), 14 N.J.R. 1101(a).

Added 4 and 5.

Amended by R.1993 d.33, effective January 19, 1993.

See: 24 N.J.R. 3222(a), 24 N.J.R. 4241(a), 25 N.J.R. 345(a).

Revised (a); added new (b).

19:8-1.3 Retarding traffic

No vehicle shall be operated at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation thereof.

19:8-1.4 Uniform direction of traffic

No vehicle shall be operated backed, or pushed or otherwise caused to move in a direction which is against the normal flow of traffic on any traffic lane, deceleration lane, acceleration lane, access ramp, shoulder or other roadway on the Parkway.

19:8-1.5 Passing

(a) Drivers shall keep to the right except to pass.

(b) If vehicles on the roadway are moving in two or more substantially continuous lines, the provisions of this section shall not be considered as prohibiting the vehicles in one line overtaking and passing the vehicles in another line, either on the right or left.

19:8-1.6 "U" Turns prohibited

(a) The making of a "U" turn at any point on the Parkway is prohibited.

(b) Excepted from the provisions of this article are as follows:

1. Police vehicles;
2. Vehicles operated by authorized Authority employees;
3. Authorized construction, maintenance, repair and towing vehicles;
4. Ambulances, fire engines and other vehicles performing official emergency functions.

(c) The foregoing exceptions shall be for the sole purpose of crossing to a roadway carrying traffic bound in the opposite direction, and no excepted vehicles shall make crossings in such manner as to create a hazard to other vehicles.

19:8-1.7 Use of medial strip and roadside areas prohibited

The medial strip between roadways, including crossovers and roadside areas beyond roadways, shall not be used by vehicles or persons on foot for any purpose, except at designated service, recreational, maintenance and police areas, or for maintenance, construction or official purposes or in emergencies.

As amended, R.1974 d.158, effective June 20, 1974.
See: 6 N.J.R. 281(b).

19:8-1.8 Parking, standing or stopping on Parkway prohibited except in emergency

(a) No parking, standing or stopping is permitted on the Parkway, including during weather conditions that obstruct travel, except in areas designated by the Authority or in cases of emergency.

(b) In cases of emergency, as hereinafter defined, vehicles shall be permitted to park, stop and stand on the shoulders to the right of the travel lane facing the direction of travel with all wheels and projecting part of any such vehicle, including the load thereof, completely clear of the travel lanes.

(c) For the purposes of this regulation, an "emergency" is defined as the existence of inclement weather conditions that obstruct travel on the Parkway, including, but not limited to, snow, ice, flooding or high wind conditions; mechanically disabled vehicles; the driver of the vehicle is ill or fatigued; or conditions deemed an "emergency" by the Authority or the State Police; but in no case shall the parking, standing or stopping exceed a two-hour period. In any event, the Authority or the State Police may have the vehicle removed if it is determined that it is obstructing traffic or constitutes an unsafe condition.

(d) Parking in public parking facilities at service areas shall not exceed a two-hour period, except where otherwise posted for commuter parking.

(e) Vehicles violating this section may be towed away at the cost of the owner.

(f) Stopping of vehicles on any part of the Parkway for the purpose of picking up or discharging any person is prohibited.

(g) Parking in public parking facilities posted for commuter parking shall be limited to the period of 4:00 A.M. to Midnight, prevailing local time, Monday through Friday, excluding holidays.

(h) Parking in any space appropriately marked for vehicles for the physically handicapped pursuant to P.L. 1977, c.202 (c.39:4-197.5), unless the vehicle is authorized by law to be parked therein, is prohibited.

R.1972 d.19, effective February 4, 1972.

See: 4 N.J.R. 14(a), 4 N.J.R. 55(c).

As amended, R.1977 d.270, effective July 28, 1977.

See: 9 N.J.R. 349(c), 9 N.J.R. 448(b).

As amended, R.1984 d.395, effective September 4, 1984.

See: 16 N.J.R. 1194(a), 16 N.J.R. 2380(a), 16 N.J.R. 2455(a).

(i) added.

Amended by R.1987 d.8, effective January 5, 1987.

See: 18 N.J.R. 2120(b), 19 N.J.R. 141(b).

(d) repealed, old (e)-(i) renumbered (d)-(h).

Amended by R.1994 d.518, effective October 17, 1994.

See: 26 N.J.R. 3251(a), 26 N.J.R. 4210(b).

19:8-1.9 Limitations on use of Parkway

(a) No vehicle shall enter upon or leave the Parkway except at access points designated by the Authority.

(b) Use of Parkway and entry thereon by the following is prohibited at all times;

"Toll collection monitoring system rules" means this subchapter, the rules authorized and adopted pursuant to N.J.S.A. 27:12B-18.3 that prohibit a vehicle from making use of any Highway Authority project except upon the payment of such tolls as may from time to time be prescribed by the Authority and that further make it a violation subject to a civil penalty for any person to refuse to pay, to evade, or to attempt to evade the payment of such tolls, if the violation is recorded by a toll collection monitoring system as defined in this section.

"Vehicle" means the term "vehicle" as defined in N.J.S.A. 39:1-1.

"Violating vehicle" means a vehicle alleged to be involved in a violation of the toll collection monitoring system rules.

19:8-14.2 Toll collection monitoring system violation; advisory and payment request

(a) It shall be a violation of the toll collection monitoring system rules for an owner, operator, lessor or lessee to fail to pay the toll for passage of a vehicle on the Garden State Parkway, unless an exemption exists for the payment of the required toll. Except as provided in N.J.S.A. 27:12B-18.4(b) and (e) and (f) below, an owner of a vehicle shall be jointly and severally liable for the failure of an operator of the vehicle to comply with the toll collection system monitoring rules. The owner of a vehicle shall be liable if the vehicle was used or operated by the operator with the express or implied permission of the owner when the violation of the toll collection system monitoring rules was committed, and the evidence of the violation is obtained by a toll collection monitoring system. An owner of a vehicle shall not be liable if the operator of the vehicle has been identified and charged with a violation of N.J.S.A. 27:12B-18 for the same incident.

(b) Within 30 days of the date that a toll violation occurs, the Authority or its agent may send an Advisory and Payment Request to the owner of the violating vehicle by regular mail as provided for in P.L. 1997, c.49. Upon receipt of the Advisory and Payment Request, the owner of the violating vehicle shall pay to the Authority or its agent, the proper toll and an administrative fee in the amount of \$25.00 per violation. If the owner fails to pay the required toll and fee within 60 days of the date on which the Advisory and Payment Request was sent, the owner shall be subject to penalties as prescribed in N.J.A.C. 19:8-14.3. The Authority or its agent may cause additional Advisory and Payment Requests to be issued in regard to an unresolved violation.

(c) The Advisory and Payment Request shall contain the name and address of the person alleged to be liable as an owner of a violating vehicle, the license plate number of the violating vehicle, the location where such violation took place, and the date and time of such violation.

(d) The Advisory and Payment Request shall contain information advising the person named of the manner in which he or she may contest the liability alleged in the Advisory and Payment Request or assert that liability should not attach in a given instance due to circumstances that caused an inadvertent toll violation to occur. Such Advisory and Payment Request shall also contain advice that persons failing to pay the indicated toll and administrative fee or failing to successfully contest the liability will render the owner subject to the penalties described in N.J.A.C. 19:8-14.3.

(e) If an owner receives an Advisory and Payment Request pursuant to this section for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of this section that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. If an owner receives an Advisory and Payment Request pursuant to this section for any time period during which the vehicle was stolen, but not as yet reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of these regulations that the vehicle was reported stolen within two hours after the discovery of the theft by the owner. For purposes of asserting that the vehicle was stolen, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent first class mail to the Authority or its agent at the address specified on the Advisory and Payment Request.

(f) An owner who is a lessor of a vehicle to which an Advisory and Payment Request was issued pursuant to this section shall not be liable for the violation provided that the lessor submits to the Authority or the party issuing the Advisory and Payment Request a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation (with the name and address of the lessee clearly legible), within 30 days after receiving the original Advisory and Payment Request. Failure to send such information within such 30-day time period shall render the lessor liable for the prescribed penalty. Where the lessor complies with these provisions, and the lessee is sent an Advisory and Payment Request within 30 days of such compliance by the lessor, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section and shall be subject to liability for same.

(g) The Authority may designate an employee(s) or agent(s) of the Authority to be a complaining witness on behalf of the Authority and to cause a summons and complaint to issue to the extent permitted by and pursuant to the Rules Governing the Courts of the State of New Jersey.

(h) The Authority may adopt a form of contract ("subscription agreement") which may set forth the terms and

provisions that govern the responsibilities, duties and obligations of an owner as a subscriber to the Authority's electronic toll collection system which contract may include the immediate termination of the owner as a patron of the Authority's electronic toll collection system if the owner fails to comply with the terms and provisions of the aforesaid contract.

19:8-14.3 Penalties

(a) A violation of this subchapter shall be punishable by a civil penalty of not less than \$50.00 nor more than \$200.00.

(b) Nothing in this section shall be construed as limiting the power of the Authority to proceed against an operator of a vehicle for a violation of N.J.A.C. 19:8-4.1 or as prohibiting or limiting the enforcement of a violation of the motor vehicle and traffic laws as set forth in Title 39 of the Revised Statutes except that an operator of a vehicle charged with a violation of N.J.S.A. 27:12B-18 shall not be liable for the civil penalty provided in (a) above for the same incident.

SUBCHAPTER 15. CONTRACTS FOR ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING SERVICES

19:8-15.1 Procedure for prequalification and award of contracts for architectural, engineering and land surveying services

(a) This section shall apply to contracts for architectural, engineering and land surveying services in excess of \$25,000. The Authority may choose to apply this section to contracts below \$25,000 at its sole discretion. The Authority may use procurement processes other than those prescribed in this section if those processes have been approved by the Federal government or other State statute; or if an emergency has been declared by the Executive Director of the Authority. Where a procurement involves the proposed use of Federal funds, and Federal law, regulations or guidelines require a procurement procedure other than those prescribed in this section, the Authority shall follow the Federal procedures. All procedures provided for herein that are consistent with Federal requirements shall be followed.

(b) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

"Chief Engineer" means the Chief Engineer of the New Jersey Highway Authority.

"Complex projects" means projects other than "simple projects," and includes most projects involving transportation planning or complex design, or any project having an estimated fee of over \$500,000.

"EOI" means an expression of interest from firms interested in performing professional architectural, engineering and land surveying services for the Authority.

"Firm" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to provide professional architectural, engineering or land surveying services in this State.

"Professional architectural, engineering and land surveying services" means those services, including planning, environmental and construction inspection services required for the development and construction of projects, within the scope of the practice of architecture, professional engineering or professional land surveying as defined by laws of this State or those services performed by an architect, professional engineer or professional land surveyor in connection with his or her professional employment practice, and which are subject to N.J.S.A. 52:34-9.1 et seq.

"Review committee" means the committee assigned to review a contract for professional architectural, engineering and land surveying services, which shall include at least three persons designated by the Chief Engineer.

"Simple projects" means projects or other engineering services where the scope can be clearly defined and is not likely to change during the course of the project where the estimated fee is \$500,000 or less. Simple projects include, but are not limited to, bridge inspection projects, supervision of construction projects and maintenance reserve projects with an estimated fee of \$500,000 or less.

(c) Professional services prequalification requirements shall be as follows:

1. A firm interested in a contract for professional architectural, engineering or land surveying services shall complete and file a "Professional Service Prequalification Questionnaire" ("PSPQ") with the Authority. Firms qualified for a particular type of project based on the Authority's evaluation of the PSPQs will be eligible for consideration when such projects are being contracted for by the Authority without having to present their qualifications on a project-specific basis.

2. For the procurement of general consultants, rather than a project-specific procurement, the procedures relating to prequalification of firms may be modified to address the needs and requirements of the Authority.

3. Each firm shall identify on the PSPQ form each type of work for which the firm desires prequalification. All PSPQ forms shall contain the following information:

- i. Current and past projects undertaken by the firm;

- ii. The nature of services provided on each project;
- iii. The qualifications of the professionals employed by the firm; and
- iv. Other information which the Authority may determine necessary to assess the firm's qualifications.

4. A firm shall notify the Authority in writing of any substantial change in the information on its PSPQ form when such change occurs. A firm shall have a current PSPQ on file with the Authority at the time of advertisement of the EOI in order to be considered for a project. For purposes of this section, a current PSPQ is one that has been on file with the Authority for no more than 24 months.

(d) Expression of interest (EOI) solicitation and/or advertisement shall be as follows:

1. An advertisement for EOIs shall be placed in an appropriate newspaper or journal, having a large circulation in the State or advertised on the Authority's internet web-site, <http://gspkwy.state.nj.us>, or through other electronic means. Such advertisements shall be placed not less than seven days preceding the date upon which the EOIs are to be received. The EOI solicitation shall identify the scope of services required from the prequalified firms and the evaluation process to be used for the project. When the Authority seeks to engage more than one firm through a single solicitation of EOIs, the number of firms that the Authority intends to engage shall be identified in the advertisement/solicitation of EOIs.

2. When general consultant services are needed, the Authority shall establish a list of criteria that firms must meet in order to be sent an EOI for the general consultant contract. Firms that meet such criteria shall be sent an EOI.

(e) Evaluation of EOIs shall be as follows:

1. Upon receipt of the EOIs, the Authority shall review the EOIs for completeness and shall reject those EOIs which are incomplete. The Authority shall notify all firms whose EOIs are determined to be incomplete in writing. For all projects, if fewer than three EOIs are deemed complete, the EOI solicitation may be rewritten and/or resolicited, or the procurement may continue with less than three firms, as determined by the Chief Engineer.

2. For simple projects, the technical evaluation process shall consist of the evaluation of EOIs in accordance with the procedures set forth in this section. If three or more EOIs for a simple project are deemed complete, the EOIs shall be evaluated by a review committee.

3. For complex projects, the evaluation of EOIs shall serve as a method by which to create a list of firms that shall receive the requests for proposals ("RFP") for the project. If four or fewer EOIs have been deemed complete by the Authority, these firms shall receive the RFP and the Review Committee will not conduct an evaluation of the EOIs as set forth below. If more than four EOIs have been deemed complete, the EOIs shall be submitted to the Review Committee for review as set forth in (e)4 below.

4. The EOIs shall be ranked by the Review Committee on the basis of numerical scores resulting from weighted rating factors. These factors will be weighted in proportion to their relative importance on a project-by-project basis. The relative weight attributed to each rating factor for a particular project and the ranking methodology shall be set forth in the EOI solicitation. In ranking the EOIs, the Review Committee will consider criteria contained in the advertisement for the EOI, which may include:

- i. Understanding of project and the Authority needs;
- ii. Approach to the project;
- iii. Experience on similar projects;
- iv. Credentials of the consultant's project team;
- v. Commitment to quality management;
- vi. Extent of New Jersey presence, including location of project office;
- vii. Attainment of Minority Business Enterprise and Women Business Enterprise goals;
- viii. Outstanding work with the Authority; and
- ix. Any other factors specified in the Authority's EOI solicitation.

5. For simple projects, once the Review Committee has ranked the EOIs, it shall require the top three or more technically ranked firms, which number of firms shall be at the discretion of the Authority, to provide their proposed fees in a separate envelope. The firms shall not be told of their ranking position at this time. The selection process shall continue in the manner described in (g) below. If a particular simple project warrants, the Chief Engineer may elect to issue an RFP and the contract shall proceed in accordance with the process for complex projects.

6. For complex projects, after the evaluation and ranking of the EOIs, no fewer than the top three ranked firms shall receive an RFP. All firms that are not to receive the RFP shall be notified in writing.

7. When the Authority is seeking to engage more than one firm through a single solicitation of EOIs, following the Review Committee's evaluation of the EOIs, it shall prepare a list of a sufficient number of technically qualified firms to enable the Authority to engage the number of firms identified in the request for EOIs. If the Review Committee is unable to prepare a list of technically qualified firms in a sufficient number to negotiate with and engage the number of firms identified in the request for EOIs, the Authority shall reduce the number of firms it is seeking to engage through the EOI, and/or resolicit the EOI in whole or in part. The Review Committee shall negotiate a contract with firms in the same manner as other projects.

(f) Request for Proposals (RFPs) shall be evaluated as follows:

1. Responses to the RFP shall be comprised of the technical proposal and fee proposal. The firms receiving the RFP shall be directed to submit a detailed fee proposal in a separate sealed envelope at the time of submission of the technical proposal.

2. The Review Committee shall evaluate the technical proposals submitted to the Authority. The Review Committee shall rank the technical proposals on the basis of numerical scores using the same rating criteria as it is used to evaluate the EOIs. Other rating criteria may be considered, provided that they are specified in the RFP. The relative weight attributed to each rating factor and the methodology for ranking firms shall be set forth in the RFP.

3. The Review Committee shall normally require an interview and/or presentation by the firms with the highest ranked proposals. The Chief Engineer, in his or her discretion, may waive this requirement for a particular project. Subsequent to the interview and/or presentation, the Review Committee shall revisit its technical ranking of the firms, rescore as appropriate and shall thereupon recommend the highest ranked firms to the Chief Engineer, or the Executive Director if the Chief Engineer was a member of the Review Committee.

(g) Cost negotiation and final selection shall be as follows:

1. For all projects, upon reviewing the Review Committee's recommendation, the Chief Engineer or the Executive Director shall either concur with the selections or direct the team to pursue additional evaluation measures, consistent with the EOI solicitation or RFP, which shall be specified in writing by the Chief Engineer or the Executive Director.

2. Once the selections are approved, the selected firms' fee proposals will be reviewed by the Review Committee. The Executive Director may add one or more persons to the Review Committee to assist in the negotiation process. Using the fee proposals as a guideline, the Review Committee shall negotiate a fair and reasonable fee with the highest ranked firm, taking into consideration all relevant factors, including, but not limited to, the estimated value of the services to be rendered and the scope, complexity, and professional nature thereof. If the Review Committee is unable to negotiate a fair and reasonable fee with the highest ranked firm, it shall formally terminate negotiations and undertake negotiations with the second highest ranked firm. Failing accord with the second highest ranked firm, the Review Committee shall formally terminate negotiations and undertake negotiations with the third highest ranked firm. If the Review Committee is unable to negotiate successfully with any of the three highest ranked firms, it shall select additional professional firms in order of their competence and qualifications and it shall continue negotiations in accordance with the procedure set forth herein until an agreement is reached. The Executive Director, upon consultation with the Chief Engineer, may direct the Review Committee to resolicit the contract. Once a final fee is agreed upon, the Review Committee shall make its recommendation to the Chief Engineer or the Executive Director, if the Chief Engineer is a member of the Review Committee.

3. The Review Committee shall prepare a written report, for submission to the Chief Engineer, outlining its recommendations and activities in reviewing, negotiating and selecting the recommended firm. The Chief Engineer shall review the written report and the EOIs and/or responses to the RFP. The Chief Engineer shall prepare written comments on the recommendation based on the review of these documents. The Chief Engineer shall explain any disagreement with the recommendation.

4. The Chief Engineer shall submit the Review Committee's report and the Chief Engineer's comments to the General Attorney to review. If the General Attorney has concluded the proper procedures have been followed, the Review Committee's written report and comments of the Chief Engineer shall be forwarded to the Executive Director.

5. If the Executive Director concurs with the recommendation, the Executive Director shall recommend to the Commissioners of the Authority, in writing, that the firm be issued an Engineering Contract, attaching a copy of the Review Committee's report and the comments of the Chief Engineer.

6. If the Executive Director is not satisfied with the recommendation, he or she may:

- i. Instruct the Review Committee to submit further support for its recommendation;
 - ii. Direct the Review Committee to renegotiate the fee;
 - iii. Direct reexamination of the technical criteria; or
 - iv. Instruct the Review Committee to resolicit the contract.
7. The final decision regarding appointment of a firm shall rest solely with the Commissioners of the Authority,

subject to the Governor's right to reject such approval by exercise of the Governor's veto authority. The memoranda or comments prepared by the Executive Director, the Chief Engineer, the Review Committee and the Commissioner's Resolution will be considered public records for the purposes of P.L. 1963, c.73 (N.J.S.A. 47:1A-1) and retained as part of the contract documents.

New Rule, R.1999 d.412, effective December 6, 1999.
See: 31 N.J.R. 2712(a), 31 N.J.R. 4119(b).