

SOUTH JERSEY PORT CORPORATION



BOARD OF DIRECTORS MEETING JANUARY 30, 2024

THE CHAIRMAN COMMENCES MEETING WITH PLEDGE OF ALLEGIANCE AND ROLL CALL:

1. APPROVAL OF MINUTES

Regular Open Meeting December 5, 2023
Closed Session Meeting December 5, 2023

**2. APPROVAL OF OPERATING BILLS
RESOLUTION 2024-01-0001**

**3. APPROVAL OF ADVANCED PAYMENT BILL LIST
RESOLUTION 2024-01-0002**

**4. APPROVAL OF CREDITS
RESOLUTION 2024-01-0003**

5. APPROVAL OF CHANGE ORDERS (TWO)

RESOLUTION 2024-01-0004: CHANGE ORDER NO. 1 FOX ENTERPRISES, INC. REPLACEMENT OF SECURITY PERIMETER PROTECTION AT BALZANO TERMINAL

RESOLUTION 2024-01-0005: CHANGE ORDER NO. 2 TRACKS UNLIMITED, LLC RAIL REHABILITATION AT BALZANO MARINE TERMINAL

**6. APPROVAL OF CONSTRUCTION FUND REQUISITIONS
RESOLUTION 2024-01-0006**



7. RECEIPT OF TREASURER'S REPORT
8. RECEIPT OF COUNSEL'S REPORT
9. RECEIPT OF EXECUTIVE DIRECTOR'S REPORT
10. ADDITIONAL AGENDA ITEMS REQUIRING BOARD ACTION:

ACTION ITEMS

- A. **RESOLUTION 2024-01-0007: APPROVAL TO PUBLICLY ADVERTISE FOR A LICENSED ELECTRICAL CONTRACTOR FOR INSPECTIONS, MAINTENANCE, CONSTRUCTION, AND OTHER RELATED SERVICES FOR ELECTRICAL SYSTEMS ON AN ON-CALL BASIS AT THE BALZANO AND BROADWAY TERMINALS**
- B. **RESOLUTION 2024-01-0008: APPROVAL TO PUBLICLY ADVERTISE FOR CONSTRUCTION OF ROOF REPLACEMENT AND REPAIR SERVICES ON AN ON-CALL BASIS AT THE BALZANO AND BROADWAY MARINE TERMINALS**
- C. **RESOLUTION 2024-01-0009: APPROVAL TO ISSUE AN RFP FOR DESIGN SERVICES FOR THE CONSTRUCTION OF PRIORITY MARINE REPAIRS AT BALZANO AND BROADWAY MARINE TERMINAL**
- D. **RESOLUTION 2024-01-0010: CONTRACT AMENDMENT TO MJF ELECTRICAL CONTRACTING FOR ADDITIONAL SCOPE OF WORK ON THE ELECTRICAL VEHICLE CHARGING STATIONS INFRASTRUCTURE PROJECT**
- E. **RESOLUTION 2024-01-0011: AWARD A CONTRACT TO FACILITY SOLUTIONS GROUP FOR REPLACEMENT LIGHTING INSTALLATION AT SHED 1, BALZANO MARINE TERMINAL**



- F. RESOLUTION 2024-01-0012: AWARD A CONTRACT TO PURCHASE TWO NEW 250 HP 500V DC HOIST MOTORS FOR THE KOCKS CRANE AT BALZANO MARINE TERMINAL**
- G. RESOLUTION 2024-01-0013: ANNUAL DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER FOR EEO CONTRACT COMPLIANCE**
- H. RESOLUTION 2024-01-0014: APPROVAL OF CAMDEN PLANT HOLDINGS LLC LEASE TERM EXTENSION**
- I. RESOLUTION 2024-01-0015: APPROVAL OF APPOINTMENT OF PROFESSIONALS AND EXECUTION OF PROFESSIONAL SERVICES AGREEMENTS**
- J. RESOLUTION 2024-01-0016: APPROVAL TO WITHDRAW AWARD AND RESOLICIT RFP FOR WEBSITE REDESIGN AND MAINTENANCE CONSULTANT SERVICES**
- K. RESOLUTION 2024-01-0017: 2024 PENSION LIABILITY**
- L. RESOLUTION 2024-01-0018: APPROVAL OF SOUTH JERSEY PORT CORPORATION'S MARINE TERMINAL OPERATORS GENERAL LIABILITY / BUMBERSHOOT LIABILITY, COMMERCIAL AUTOMOBILE LIABILITY, AND PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES LIABILITY RENEW ON MARCH 1, 2024**
- M. RESOLUTION 2024-01-0019: APPROVAL FOR EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH DELAWARE RIVER STEVEDORES TO SUBMIT A JOINT APPLICATION TO THE EPA CLEAN PORTS PROGRAM**
- N. RESOLUTION 2024-01-0020: APPROVAL OF NON-REPRESENTED STAFF COMPENSATION ADJUSTMENTS**
- O. RESOLUTION 2024-01-0021: APPROVAL OF BOTH THE SUPERVISORY AND NON-SUPERVISORY SUCCESSOR COLLECTIVE BARGAINING AGREEMENTS WITH THE**



COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO,
LOCAL 1040

P. RESOLUTION 2024-01-0022: APPROVAL TO PURCHASE A JOHN
DEERE TRACTOR, LANDSCAPE/UTILITY MODEL 5100E

11. SUPPLEMENTAL BOARD INFORMATION:

**Q. MARKETING COMMITTEE REPORT & PHOENIX/ARTLIP
COMMUNICATIONS REPORT**

R. PORT SECURITY UPDATE

S. PAULSBORO MARINE TERMINAL PROJECT UPDATES

PUBLIC SESSION FOR QUESTIONS / COMMENTS

12. CLOSED SESSION AND/OR ADJOURNMENT



ACTION ITEM:

A. RESOLUTION 2024-01-0007: APPROVAL TO PUBLICLY ADVERTISE FOR A LICENSED ELECTRICAL CONTRACTOR FOR INSPECTIONS, MAINTENANCE, CONSTRUCTION, AND OTHER RELATED SERVICES FOR ELECTRICAL SYSTEMS ON AN ON- CALL BASIS AT THE BALZANO AND BROADWAY TERMINALS

REQUEST

Staff is requesting Board Authorization for the competitive bid advertisement for a Licensed Electrical Contractor for inspections, maintenance, construction, and other related services on electrical systems at the Balzano and Broadway Marine Terminals. The contract would be on an on-call basis for a one-year period with the option to renew for an additional two (2) one-year periods.

BACKGROUND

With few exceptions, the electrical distribution systems of the two Camden Terminals are dated and in various degrees of degradation and well beyond their intended service lives. From an operational standpoint, the integrity of these systems necessitates a higher degree of inspection, maintenance, and systems replacement to ensure continued and safe operation.

The total budget amount for the contract would be \$250,000, funded from an FY '24 New Jersey State Debt Defeasance and Prevention Fund appropriation. The award will be based on the lowest qualified bid for construction of the current highest priority, replacement of the 480-volt AC switchgear in the D Building Substation at Broadway Marine Terminal.

The contract would be on an on-call basis for a one-year period and with options to renew for an additional two (2) one-year periods based on available funding.

RECOMMENDATION:

Staff is therefore recommending Board Authorization for the competitive bid advertisement for a Licensed Electrical Contractor for inspections, maintenance, construction, and other related services on electrical systems at the Balzano and Broadway Marine Terminals.



ACTION ITEM:

B. RESOLUTION 2024-01-0008: APPROVAL TO PUBLICLY ADVERTISE FOR CONSTRUCTION OF ROOF REPLACEMENT AND REPAIR SERVICES ON AN ON-CALL BASIS AT THE BALZANO AND BROADWAY MARINE TERMINALS

REQUEST

Staff is requesting Board authorization for the advertisement for competitive bids of a construction contract to perform port building roof replacements and repairs on an on-call basis for a one-year period with options to renew for an additional two (2) one-year periods at the Balzano and Broadway Marine Terminals.

BACKGROUND

The warehouse and shed storage building roofs at the two Camden Terminals are of varying ages and degrees of deterioration and are all well beyond their warranty periods. Consequently, because of severe weather events, these buildings experience leak conditions that can impact the integrity of the cargo in storage. As the building roofs continue to age, the number and severity of leak repairs increase, requiring the services of a roof contractor for replacement and repairs.

The total budget amount for the contract would be \$500,000, funded from an FY '24 New Jersey State Debt Defeasance and Prevention Fund appropriation. The award will be based on the lowest qualified bid for the replacement of the current highest priority, Broadway Building "D."

RECOMMENDATION:

Staff is recommending Board authorization for the advertisement for competitive bids of a construction contract to perform roof replacements and repairs on an on-call basis for a one-year period, with options to renew for an additional two (2) one-year periods at the Balzano and Broadway Marine Terminals.



ACTION ITEM:

C. RESOLUTION 2024-01-0009: REQUESTING APPROVAL TO ISSUE AN RFP FOR DESIGN SERVICES FOR THE CONSTRUCTION OF PRIORITY MARINE REPAIRS AT BALZANO AND BROADWAY MARINE TERMINAL

REQUEST

Staff is requesting Board approval to issue an RFP to the list of prequalified marine engineering firms to perform design services for the construction of priority marine repairs on various berths and piers at the Balzano and Broadway Marine Terminal in Camden, NJ.

BACKGROUND

The berth and pier marine structures at the two Camden terminals vary in age and state of repair. In 2021, structural integrity condition surveys were performed on all marine berth and pier structures by Mid-Atlantic Engineers Partners to identify various types of repairs needed and to overall rate the marine structures. The recommended repairs identified were categorized as immediate, priority, and routine repairs. Immediate repairs were minimal and have been addressed. Priority repairs are more significant, requiring actions to be taken to avoid further deterioration and higher costs to repair. Routine repairs are noted and should be considered in future budgets.

This contract will address priority repairs at Balzano Berths 3 and 4 and Broadway Pier 1A high-level and low-level structures. These repairs will include but not be limited to concrete spall repairs at exposed steel reinforcement, welding of steel plates at holes in sheet pile walls and along the bottom 5' of sheet pile walls, repairs to broken and split timber piles, encasement of timber piles with greater than 40% section loss, and replacement of broken timber pile caps.

RECOMMENDATION:

Staff recommends Board approval to issue a request for proposals to prequalified firms to perform design services for the construction of priority marine repairs on select berth and pier structures at the Balzano and Broadway Marine Terminals.



ACTION ITEM:

D. RESOLUTION 2024-01-0010: CONTRACT AMENDMENT TO MJF ELECTRICAL CONTRACTING FOR ADDITIONAL SCOPE OF WORK ON THE ELECTRICAL VEHICLE CHARGING STATIONS INFRASTRUCTURE PROJECT

REQUEST

Staff requests Board Authorization for a contract amendment to MJF Electrical Contracting for additional scope of work on the Electrical Vehicle Charging Infrastructure Project.

BACKGROUND

By Resolution 2022-04-0053, the SJPC Board of Directors awarded a construction contract to install the required electrical infrastructure to serve the charging requirements of the initial 27 pieces of electric cargo handling equipment as funded by a NJDOT grant at both the Broadway and Balzano Terminals in the amount of \$571,000.

The work is substantially complete at the Broadway and Balzano Terminals, though supply chain issues have delayed the anticipated final completion.

The SJPC Board had approved Change Order #1 (Resolution 2022-09-0106) for an initial charging location in the amount of \$16,650.00. The Board also approved Change Order #2 (Resolution 2023-01-0004) for changes required by PSE&G in the amount of \$43,650.00.

In order to put arriving electrical vehicles into service without delay, two additional temporary charging locations are required, with some additional modifications needed to permanently accommodate an electric rail car mover which was funded through a separate NJDOT Rail Freight Assistance Program Grant.

RECOMMENDATION

SJPC staff therefore requests Board Approval of a contract amendment to MJF Electrical Contractors contract in the amount of \$71,100.00, bringing the total contract amount to \$702,375.00.



ACTION ITEM:

E. RESOLUTION 2024-01-0011: AWARD A CONTRACT TO FACILITY SOLUTIONS GROUP FOR REPLACEMENT LIGHTING INSTALLATION AT SHED 1, BALZANO MARINE TERMINAL

REQUEST

Staff is requesting Board authorization to enter into an agreement with Facility Solution Group to install replacement lighting in Shed 1 at the Marine Terminal.

BACKGROUND

The SJPC is systematically replacing all old lighting fixtures with energy saving LED fixtures. In 2020 at Balzano Terminal, a contract was let which replaced the fixtures in nine of the warehouses (Resolution Number 2020-02-0022). Only Shed 1 was not done at that time. That project used partial reimbursement funding from PSE&G.

The scope of this project is to replace all of the light fixtures and controls in Shed 1.

The supply of materials and installation will be performed by Facilities Solutions Group of Manalapan, New Jersey, who is an authorized PSE&G provider. SJPC must utilize PSE&G authorized providers in order to enjoy the benefits of PSE&G savings and its rebate incentive programs.

The total project installed value is \$56,663.25, which will be offset by two (2) PSE&G incentives, the first is a midstream Materials Rebate (\$13,600), and the second is a Prescriptive Controls Rebate (\$7,108). The net project cost of the work after both the PSEG Midstream rebate and Prescriptive Controls Rebate is \$35,955.25. SJPC will apply for On-Bill Repayment through PSE&G for the net cost. The payments will be distributed over 5 years and paid through PSE&G's regular monthly billings to SJPC for service. However, in order to receive the benefit of the PSE&G rebates, and the On-Bill repayment program, SJPC is limited to, and must utilize only PSE&G's authorized providers, which Facilities Solutions Group is one.

RECOMMENDATION:

Staff is recommending Board authorization to enter an agreement with Facility Solutions Group to install replacement lighting in Shed 1 at the Marine Terminal, at a net cost after PSE&G energy saving rebates of \$35,955.25, which will be paid through the PSE&G electric bill for this building over 5 years.



ACTION ITEM:

F. RESOLUTION 2024-01-0012: AWARD A CONTRACT TO PURCHASE TWO NEW 250 HP 500V DC HOIST MOTORS FOR THE KOCKS CRANE AT BALZANO MARINE TERMINAL

REQUEST

Staff is requesting Board authorization to purchase two new hoist motors for the Kocks Crane at the Marine Terminal.

BACKGROUND

On July 14, 2023, one of the two hoist motors in the referenced gantry crane failed, requiring a rebuild. The motor was originally manufactured in 1982. There are two of these hoist motors in the trolley car which are both necessary in order to operate the crane. Staff sent both motors out to be rebuilt, and the crane returned to service five months later in mid-December 2023.

Because this crane is mission critical to loading scrap steel, and discharging steel products, and to mitigate any future occurrence, SJPC staff sought pricing on two new spare motors.

We solicited quotes from four qualified vendors, R. Scheinert, Kocks, Willier, and D Electric. Scheinert did not submit a quote. The other three quotes are as follows.

Bidder	Each	Two
Kocks Kranbau GmbH	\$ 82,100	\$ 164,200
Willier Electric Motor Co	\$ 119,469	\$ 238,938
D Electric Motors Inc	\$ 134,812	\$ 269,625

RECOMMENDATION:

Staff is requesting Board authorization to issue a purchase order to the low bidder, Kocks Kranbau GmbH, Bremen, Germany in the amount of \$82,100 per motor, or \$164,200 for two.



ACTION ITEM:

G. RESOLUTION 2024-01-0013: ANNUAL DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER FOR EEO CONTRACT COMPLIANCE

REQUEST

Staff is requesting Board approval designating August E. Knestaut, Esquire, SJPC's Director of Legal and Regulatory Affairs, to serve as SJPC's Public Agency Compliance Officer (PACO).

BACKGROUND

In accordance with N.J.A.C 17:27-3.3, each Public Agency in New Jersey is required to designate an individual to serve as its compliance officer. The PACO is the liaison between the Division of Purchase and Property's Contract Compliance and Audit Unit (Division) and the Public Agency. It is the Public Agency's point of contact for all matters concerning implementing and administering the State's Equal Employment Opportunity (EEO) statutes and regulations. The PACO is also responsible for administering equal employment opportunity contracting procedures for both the Public Agency and vendors with public contracts. Vendors shall include but are not limited to, those providing goods, professional services, and general services to and for the Public Agency and construction contractors who contract with the Public Agency. As such, the PACO must have the authority to recommend changes to effectively support the administration and implementation of the applicable EEO statutes and its companion regulations.

Each year, all Public Agencies are required to submit the name, title, address, telephone number, fax number, and e-mail address of the PACO designated by the Public Agency. This information must be submitted to the Division in January of each year. In addition, it shall be the responsibility of the Public Agency to update the PACO designation at any time during the year if any changes are made concerning the designated PACO.

Staff proposes to designate August E. Knestaut, Esquire, Director of Legal and Regulatory Affairs of and for the SJPC, to serve as the SJPC's PACO for the year 2023.

RECOMMENDATION:

Staff recommends Board designation of August E. Knestaut Esquire to serve as SJPC's PACO for 2024.



ACTION ITEM:

H. RESOLUTION 2024-01-0014: APPROVAL OF CAMDEN PLANT HOLDINGS LLC LEASE TERM EXTENSION

REQUEST

Staff requests Board approval to extend the lease term with Camden Plant Holdings LLC for two years.

BACKGROUND

SJPC leases approximately 5,000 square feet of indoor storage to Camden Plant Holdings at the Broadway Terminal in Camden for spare parts storage for power generation. The current one-year lease expires on February 28, 2024. The basic terms of the proposed lease extension are:

- 2-year term extension, from March 1, 2024, to February 28, 2026
- 4.4% CPI increase rental increase, to \$ 1,465.07 per month / \$17,580.84 per year in year 1. 2nd year CPI increase based on CPI-U All Items, Philadelphia-Camden, Wilmington DE, as published by the US Bureau of Labor Statistics.
- Tenant pays a \$100 per month electricity fee.
- All other terms and conditions of current lease shall remain the same.

RECOMMENDATION:

Staff recommends Board approval to extend the lease term with Camden Plant Holdings LLC for two years.



ACTION ITEM:

I. RESOLUTION 2024-01-0015: APPROVAL OF APPOINTMENT OF PROFESSIONALS AND EXECUTION OF PROFESSIONAL SERVICES AGREEMENTS

REQUEST:

Staff requests Board approval to appoint individuals/firms to provide the following professional services to and for the South Jersey Port Corporation (“SJPC”), as follows: Auditing, Bond Counsel, Financial Advisor, General Legal Counsel, Grant Writing & Administrative Services, Health and Insurance Broker Services, Labor Counsel, Maritime Counsel, and Marketing Consultant; and, to enter into Professional Services Agreements with each said professional services individual/firm, as recommend by the SJPC Board Review Committee.

BACKGROUND:

Staff publicly advertised and released a Request for Proposals for the above Professional Service categories with proposals opened on October 31, November 1, and November 2, 2023.

SJPC’s Board Review Committee has completed a review of all the below proposals that were submitted, and based upon those reviews is making the following recommendations:

- 1. RECOMMENDATION: That Brent W. Lee & Co., LLC receive an appointment for Auditing Services.**

<u>Auditing Services Proposal Submission</u>	<u>Proposal Summary</u>
Brent W. Lee & Co., LLC 39 Paddock Lane Cinnaminson, NJ 08077	Three-year estimate of \$147,000.00 based on hourly rates ranging from \$225-\$125.00 per hour

- 2. RECOMMENDATION: That Wilentz, Goldman and Spitzer receive appointment as Bond Counsel.**

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<u>Bond Counsel Proposal Submissions</u> McManimon, Scotland & Baumann, LLC 75 Livingston Ave Roseland, NJ 07068	<u>Proposal Summary</u> \$250.00 blended hourly rate
Malamut & Associates LLC 457 Haddonfield Rd, Suite 500 Cherry Hill, NJ 08002	\$35,000.00 plus \$1.10 per thousand dollars of bonds issued (General Bond Resolutions) \$25,000.00 plus \$1.10 per thousand dollars of bonds issued (Supplemental Bond Resolutions)
Wilentz, Goldman & Spitzer 90 Woodbridge Center Dr. PO Box 10, Suite 900 Woodbridge, NJ 07095	\$250.00 blended hourly rate (Attorneys) \$100.00 blended hourly rate (paralegals)

3. RECOMMENDATION: That G.B. Associates receive an appointment for Financial Services.

<u>Financial Advisor Proposal Submissions</u> Phoenix Advisors LLC 625 Farnsworth Ave Bordentown, NJ 08505	<u>Proposal Details</u> Hourly consulting rates: \$195.00 (Director), \$115.00 (Associate Analyst) Plus, additional fees for other financial services
GB Associates 24 Broadlawn Dr Livingston, NJ 07039	\$210.00 per hour, fees capped at \$30,000.00 per year

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<p>Acacia Financial Group Inc. 6000 Midlantic Drive, Suite 410 Mt. Laurel, NJ 08054</p>	<p>Hourly consulting rate range from \$225.00-\$150.00 Plus, additional fees for other financial services</p>
<p>NW Financial Group LLC 522 Broad Street Bloomfield, NJ 07003</p>	<p>Hourly consulting rate range from \$225.00-\$185.00 Plus, additional fees for other financial services</p>

4. RECOMMENDATION: That Brown and Connery, LLP receive appointment as General Counsel.

<u>General Counsel Proposal Submissions</u>	<u>Proposal Summary</u>
<p>McManimon, Scotland & Baumann, LLC 75 Livingston Ave Roseland, NJ 07068</p>	<p>\$225.00 blended hourly rate.</p>
<p>Brown and Connery LLP 360 Haddon Ave, PO Box 539 Westmont, NJ 08108</p>	<p>\$220.00 per hour (Partner and Counsel Attorneys) \$195.00 per hour (Associate Attorneys) \$100.00 per hour (Law Clerks/Paralegals)</p>

5. RECOMMENDATION: That Triad Associates receive appointment for Grant Writing, Management, and Administrative Services.

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<u>Grant Writing/Admin. Proposal Submission</u>	<u>Proposal Details</u>
<p style="text-align: center;">Triad Associates 1301 W. Forest Grove Rd. Vineland, NJ 08360</p>	<p style="text-align: center;">\$140.00 blended hourly wage rate</p>

6. RECOMMENDATION: That Connor, Strong and Buckelew receive the appointment for Health and Insurance Broker.

<u>Health/Insurance Broker Proposal Submissions</u>	
<p style="text-align: center;">Conner Strong & Buckelew TRIAD1828 Centre, 2 Cooper St. Camden, NJ 08102</p>	<p style="text-align: center;">\$15,000.00 per year, plus commissions</p>

7. RECOMMENDATION: That Brown and Connery, LLP receive appointment as Labor Counsel.

<u>Labor Counsel of Proposal Submissions</u>	<u>Proposal Summary</u>
<p style="text-align: center;">McManimon, Scotland & Baumann, LLC 75 Livingston Ave Roseland, NJ 07068</p>	<p style="text-align: center;">\$225.00 blended hourly rate</p>
<p style="text-align: center;">Marmero Law, LLC 44 Euclid Street Woodbury, NJ 08096</p>	<p style="text-align: center;">\$150.00 hourly rate</p>
<p style="text-align: center;">Malamut & Associates LLC 457 Haddonfield Rd., Suite 500 Cherry Hill, NJ 08002</p>	<p style="text-align: center;">\$200.00 hourly rate (Attorney) \$100.00 hourly rate (Paralegal)</p>

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Brown & Connery LLP 360 Haddon Ave, PO Box 539 Westmont, NJ 08108	\$220.00 per hour (Partner/Counsel Attorneys) \$195.00 per hour (Associate Attorneys) \$100.00 per hour (law clerks/paralegals)
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8. RECOMMENDATION: That Mattioni, Ltd. receive the appointment as Maritime Counsel.

<u>Maritime Counsel Proposal Submission</u> Mattioni Ltd. 1316 Kings Highway Swedesboro, NJ 08085	<u>Proposal Details</u> \$300.00/per hour: Attorneys \$125.00/per hour: Paralegal/Law Clerks
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9. RECOMMENDATION: That Phoenix Strategies, Inc. receive the appointment for Marketing Consultant.

<u>Marketing Consultant Proposal Submissions</u>	<u>Amount</u>
Impact Consulting Enterprises LLC 172 South Clinton Street East Orange, NJ 07018	\$23,641.00 – flat monthly fee plus \$440.00 monthly expenses
Phoenix Strategies, Inc. 183 Schoolhouse Lane Mt. Laurel, NJ 08054	\$10,700.00 monthly flat fee
Angry Apples Marketing LLC 1657 The Fairway, Suite 162 Jenkintown, PA 19046	\$33,175.00 estimated monthly fee

The foregoing SJPC Board Review Committee recommendations for appointments, if made by the Board, would be contingent upon final legal review of the successful proposals, and the entry into a Professional Services Agreement with each proposer

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receiving an appointment in a form satisfactory to SJPC's Director of Legal and Regulatory Affairs.

RECOMMENDATION:

Staff recommends Board approval to make the following professional services appointments, inclusive of the entry into Professional Services Agreements, with each of the following:

Brent W. Lee & Co., LLC for a term of three (3) years for Auditing Services, with an additional two (2) year SJPC renewal option, and until their successor has been appointed and duly qualified.

Wilentz, Goldman & Spitzer for a term of one (1) year as Bond Counsel, with two (2) additional one-year SJPC renewal options, and until their successor has been appointed and duly qualified.

G.B. Associates for a term of one (1) year as Financial Advisor, with two additional one-year SJPC renewal options, and until their successor has been appointed and duly qualified.

Brown and Connery, LLP for a term of one (1) year as General Legal Counsel with two (2) additional one-year SJPC renewal options, and until their successor has been appointed and duly qualified.

Triad Associates for a term of one (1) year for Grant Writing, Management, and Administrative Services, with two (2) additional one-year SJPC renewal options, and until their successor has been appointed and duly qualified.

Conner Strong & Buckelew for a term of one (1) year as Health and Insurance Broker, with two (2) additional one-year SJPC renewal options, and until their successor has been appointed and duly qualified.

Brown and Connery, LLP for a term of one (1) year as Labor Counsel with two (2) additional one-year SJPC renewal options, and until their successor has been appointed and duly qualified.

Mattioni Ltd. for a term of one (1) year as Maritime Counsel with two (2) additional one-year SJPC renewal options, and until their successor has been appointed and duly qualified.

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Phoenix Strategies, Inc. for a term of one (1) year as Marketing Consultant with two (2) additional one-year SJPC renewal options, and until their successor has been appointed and duly qualified.

All Professionals Services Agreements with the above proposers shall be in the form approved by the SJPC Director of Legal and Regulatory Affairs.



ACTION ITEM:

J. RESOLUTION 2024-01-0016: APPROVAL TO WITHDRAW AWARD AND RESOLICIT RFP FOR WEBSITE REDESIGN AND MAINTENANCE CONSULTANT SERVICES

REQUEST

Staff is requesting Board approval to withdraw the prior Board approval in Resolution 2023-07-0066 to award a contract to Spark Creative Group of Collingswood (hereinafter “Spark”) for consultant services to redesign and maintain South Jersey Port Corporation’s (“SJPC”) website and for approval to issue a new Request for Proposals in order to solicit new proposals for consultant services needed by the SJPC for redesign and maintenance of its website.

BACKGROUND

Pursuant to Board Authorization in RESOLUTION 2023-07-0066: APPROVAL TO AWARD A CONTRACT FOR CONSULTANT SERVICES REGARDING REDESIGN AND MAINTENANCE OF THE SJPC WEBSITE, the Board approved the award to Spark of a two-year contract with a 1-year extension option to redesign and then maintain the SJPC website. However, SJPC was not able to contract with Spark, as Spark was unable to meet the project’s insurance requirements. Spark’s inability to provide a Certificate of Insurance to SJPC, evidencing that it maintained the insurance coverages as required by SJPC’s solicitation, is a material non-waivable defect that requires withdrawal by the Board of its prior approval to award a contract to Spark; and, the solicitation via the issuance of a new Request for Proposals for this website project.

RECOMMENDATION:

Staff recommends Board approval to withdraw the prior Board approval in Resolution 2023-07-0066 to award a contract to Spark for consultant services to redesign and maintain the SJPC’s website and approval to issue a new Request for Proposals in order to solicit new proposals for consultant services needed by the SJPC for redesign and maintenance of its website.



ACTION ITEM:

K. RESOLUTION 2024-01-0017: 2024 PENSION LIABILITY

REQUEST

Staff presents the Employer’s Liability Annual Pension Contribution Invoice for Public Employee’s Retirement System (PERS) for the calendar year 2024. The total amount of \$1,354,993.60 is due on April 1, 2024. The total amount due includes the Employer’s Contribution for 2023 and early retirement costs. The plan is summarized below.

Normal Cost represents the present value of benefits that have accrued on behalf of the members during the valuation year. The employer’s contribution covers the basic pension allowance, future cost-of-living adjustment, and the premium for group life insurance.

Normal Contribution	\$ 215,116
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Employer Accrued Liability and/or Pension system unfunded actuarial liability contribution consist of the employer’s share of the pension system total unfunded actuarial liability amortized over time (30 to 40 years). The unfunded actuarial liability of a retirement system is the excess of the system’s actuarial liability over the value of its assets.

Accrued Liability	\$ 945,775
Non-Contributory Group Life Insurance	\$ 51,170
Delayed Enrollments	\$ 4,363.43
Delayed Appropriations	\$ 18,595.17

Accrued Liability-Early Retirement Incentive-ERI-3. The State of New Jersey Division of Pension and Benefits prepared the Schedule of payments for the Early Retirement Incentive.

Accrued Liability-Early Retirement Incentive-ERI-3	<u>\$ 119,974</u>
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Total Amount Due all Categories	<u>\$ 1,354,993.60</u>
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	<u>2023</u>	<u>2024</u>		<u>Variance</u>
Normal Contribution	\$ 157,737	\$ 215,116	=	\$ 57,379
Accrued Liability	\$ 833,049	\$ 945,775	=	\$112,726
Non-Contributory	\$ 44,843	\$ 51,170	=	\$ 6,327
Group Life Insurance				
Accrued Liability-ERI	\$ 116,763	\$ 119,974	=	\$ 3,211
Delayed Enrollments	\$ 0	\$ 4,363.43	=	\$ 4,363.43
Delayed Appropriations	\$ 0	\$ 18,595.17	=	\$ 18,595.17
Total Amount Due	<u>\$ 1,152,392</u>	<u>\$ 1,354,993.60</u>	=	<u>\$ 202,601.60</u>

all Categories (increase)

RECOMMENDATION

Staff recommends Board approval of the 2024 Pension Liability invoice.



ACTION ITEM:

L. RESOLUTION 2024-01-0018: APPROVAL OF SOUTH JERSEY PORT CORPORATION'S MARINE TERMINAL OPERATORS GENERAL LIABILITY / BUMBERSHOOT LIABILITY, COMMERCIAL AUTOMOBILE LIABILITY, AND PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES LIABILITY RENEW ON MARCH 1, 2024.

Marine Terminal Operators General Liability / Bumbershoot Liability: Your current (3/1/2023 – 3/1/2024) Marine Terminal Operators General Liability / Bumbershoot Liability program provides a \$21,000,000 Occurrence / \$21,000,000 General Aggregate Limit through National Union Fire Insurance Company of Pittsburgh, PA (\$1,000,000 Per Occurrence / \$2,000,000 Aggregate Limit), Liberty Mutual Insurance Company (\$5,000,000 part of \$20,000,000 Limit excess of \$1,000,000 Underlying), National Union Fire Insurance Company of Pittsburgh, PA (\$5,000,000 part of \$20,000,000 Limit excess of \$1,000,000 Underlying), Navigators Insurance Company (\$5,000,000 part of \$20,000,000 Limit excess of \$1,000,000 Underlying) and Swiss Re Corporate Solutions America Insurance Corporation (\$5,000,000 part of \$20,000,000 Limit excess of \$1,000,000 Underlying). The total expiring premium is \$254,000 (including TRIA and New Jersey surcharges) based on Gross Receipts of \$26,752,332.

For the 3/1/2024 – 3/1/2025 policy term, South Jersey Port Corporation provided a Gross Receipts estimate of \$26,058,000. Conner Strong & Buckelew is projecting a renewal cost of \$296,593, which represents a 9.4% rate increase against the adjusted expiring pricing. Conner Strong & Buckelew is pursuing other insurance carriers on your behalf, and the results of our marketing efforts will be detailed in our marketing summary. Due to the replacement of the Automobile Liability insurance, we are working on numerous options to be most cost efficient and have the best coverage for the Port, hence the renewal quotes not being finalized as of this writing. The coverages, terms, and conditions of the incumbent program are expected to be quoted as expiring with the exception of the Hull & PI and Vessel Pollution policies being removed from the schedule of underlying.

Commercial Automobile: Your current program with Chubb Insurance Company of New Jersey provides a \$1,000,000 Combined Single Limit. Chubb issued a non-renewal for the 3/1/2024 – 3/1/2025 policy term. We approached other insurance companies, as detailed in our marketing summary; these negotiations are still in progress at the time of this memo. Conner Strong & Buckelew is providing not to exceed pricing of \$200,000. The reason for the non-renewal is due to Chubb non-renewing all of their monoline Automobile Liability programs, which has been an industry trend for many years.

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Public Officials Liability and Employment Practices Liability Insurance: Your current program with Navigators Insurance Company provides a \$5,000,000 Limit for Public Officials and a \$5,000,000 Limit for Employment Practices Liability claims. Navigators' renewal quote for the 3/1/2024 – 3/1/2025 policy term is \$63,817, which represents a 3% rate increase against the adjusted expiring pricing. We approached several other insurance companies on behalf of the Port and the results of our marketing effort are discussed in greater detail in our marketing summary. Conner Strong & Buckelew recommends that South Jersey Port Corporation renew their Public Officials Liability and Employment Practices Liability program with Navigators Insurance Company.

RECOMMENDATION:

Staff recommends board approval for the above insurance renewals.



ACTION ITEM:

M. RESOLUTION 2024-01-0019: APPROVAL FOR EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH DELAWARE RIVER STEVEDORES TO SUBMIT A JOINT APPLICATION TO THE EPA CLEAN PORTS PROGRAM

REQUEST

Staff is requesting Board Authorization for SJPC's Executive Director to enter into an agreement with Delaware River Stevedores (DRS) to submit a joint grant application to the upcoming EPA Clean Ports Program for electric cargo handling equipment.

BACKGROUND

In December 2022 New Jersey adopted the Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards rule requiring all such equipment to utilize, at a minimum, a Tier 4 diesel engine. As a result of this rule, SJPC and its stevedore, DRS, will have to replace several dozen pieces of equipment, including forklifts and cranes.

The Inflation Reduction Act of 2022 provides the Environmental Protection Agency (EPA) with \$3 billion to fund zero-emission port equipment and infrastructure as well as climate and air quality planning at U.S. ports. EPA anticipates this new funding opportunity will become available for application through a notice of funding opportunity (NOFO) released in late winter 2024.

SJPC and DRS intend to submit a joint application to EPA for federal funding for the replacement and upgrade of this equipment and the associated infrastructure costs.

RECOMMENDATION:

Staff is therefore recommending Board Authorization for SJPC's Executive Director to enter into an agreement with DRS to submit a joint grant application to the upcoming Clean Ports Program for electric cargo handling equipment.



ACTION ITEM:

N. RESOLUTION 2024-01-0020: APPROVAL OF NON-REPRESENTED STAFF COMPENSATION ADJUSTMENTS

REQUEST

Staff is requesting Board approval for an annual compensation adjustment, in line with current SJPC Collective Bargaining Agreements (CBA), for non-represented staff, retroactive to January 1, 2024.

BACKGROUND

In concert with all of the Collective Bargaining Agreements (CBA) in effect at the South Jersey Port Corporation, staff is requesting Board consideration and approval of a 3.5% compensation adjustment for all non-represented employees effective January 1, 2024.

This includes the Executive Director and CEO, Assistant Executive Director/COO, Assistant Executive Director/Chief Commercial Officer, Chief of Staff and External Affairs, Director of Engineering, CFO/Treasurer, Director of Legal and Regulatory Affairs, Facilities Engineer, General Manager Security, Public Safety, and Emergency Management, Senior Executive Assistant, HR Manager, Senior Advisor – Administration, Senior Advisor – Engineering, and Janitor.

RECOMMENDATION:

Staff recommends Board approval of the non-represented staff compensation adjustment recommendation.



ACTION ITEM:

O. RESOLUTION 2024-01-0021: APPROVAL OF BOTH THE SUPERVISORY AND NON-SUPERVISORY SUCCESSOR COLLECTIVE BARGAINING AGREEMENTS WITH THE COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO, LOCAL 1040

REQUEST

Staff is requesting Board approval for the South Jersey Port Corporation (hereinafter “SJPC”) to enter into two (2) successor collective bargaining agreements for SJPC Supervisory and Non-Supervisory personnel with the Communications Workers of America, AFL-CIO, Local 1040 (hereinafter “Local 1040”) retroactive to and effective July 1, 2023, for a four (4) year term ending June 30, 2027.

BACKGROUND

SJPC and Local 1040 have been negotiating two (2) successor collective bargaining agreements. Local 1040 is the exclusive collective bargaining agent for all supervisors employed by the SJPC, excluding managerial executives, confidential employees, operations supervisors, craft employees, professional employees, police, casual employees, and non-supervisory employees (hereinafter the “Supervisory Personnel”). Local 1040 is also the exclusive collective bargaining agent for all regularly employed non-supervisory clerical employees, crane maintenance foreman, and operations supervisors employed by the SJPC, excluding managerial executives, confidential employees, supervisors, craft employees, professional employees, police, casual employees, and such other employees employed by SJPC (hereinafter the “Non-Supervisory Personnel”). SJPC’s collective bargaining agreements with Local 1040, one each for Supervisory Personnel, and Non-Supervisory Personnel, each expired on June 30, 2023. Based upon ongoing collective negotiations since each said agreement expired, Local 1040 and SJPC now have ready for consideration by the Board, and Local 1040’s membership, proposed successor agreements for both Supervisory Personnel and Non-Supervisory Personnel. These proposed successor agreements require, and are conditioned and contingent upon, both Board approval and ratification by Local 1040’s membership.

The current proposals for successor collective bargaining agreements for Supervisory and Non-Supervisory Personnel have been vetted through the Governor’s Authorities Unit, SJPC’s counsel, and ratified by the Local 1040 membership. The said current proposals were presented in closed session today for the Board’s consideration. The significant revisions and modifications to each proposed successor agreement, as compared to the now-expired agreements, were reviewed and summarized for the Board in a closed

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session. The Board's approval of each of the Supervisory Personnel and Non-Supervisory Personnel successor collective bargaining agreements is now required for the said agreements to become effective for the new four-year terms ending June 30, 2027. Staff requests such approval from the Board of the form of each said successor agreement as presented for the Board's review in closed session.

RECOMMENDATION:

Staff is recommending Board approval in open session for the SJPC to enter into the two (2) successor collective bargaining agreements with Local 1040, one each for SJPC Supervisory Personnel and SJPC Non-Supervisory Personnel, retroactive to and effective July 1, 2023, for a four (4) year term ending June 30, 2027, each in the form as presented in closed session today for the Board's consideration and adoption.



ACTION ITEM:

**P. RESOLUTION 2024-01-0022: APPROVAL TO PURCHASE
A JOHN DEERE TRACTOR, LANDSCAPE/UTILITY
MODEL 5100E**

REQUEST

Staff requests Board approval to purchase a 2023 John Deere tractor Model 510001E

BACKGROUND

The tractor will replace a 2007 tractor that is beyond its useful life. The tractor and power broom are utilized to clean our terminals. Staff received a quotation of \$64,990.00 from Power Plus Inc. for the tractor under NJ State Contract 23-FLEET-00430

RECOMMENDATION:

Staff recommends Board approval to purchase 2023 John Deere tractor.



INFORMATION ITEM:

- Q. MARKETING COMMITTEE REPORT &
PHOENIX/ARTLIP COMMUNICATIONS REPORT**

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INFORMATION ITEM:

R. SECURITY UPDATE:



INFORMATION ITEM:

S. PAULSBORO MARINE TERMINAL PROJECT UPDATES

The Paulsboro Marine Terminal Project updates are provided by the Gloucester County Improvement Authority.



MATTERS INVOLVING LITIGATION, PERSONNEL MATTERS & SPECIAL MATTERS

The subject matter is covered by one or more of the following legal exemptions:

- Matters made confidential by state, federal law or rule by court.
 - Disclosure would result in an unwarranted invasion of individual privacy, unless the person affected consents in writing.
 - Disclosure would impair the body's right to receive federal or state funds.
 - Collective bargaining.
 - Lease or acquisition of property, setting of banking rates, investment of public funds if disclosure would harm the public interest.
 - Investigations into violations of law.
 - Strategies to protect public security.
 - Pending, ongoing or anticipated litigation or contract negotiation, including attorney-client privilege. The threat of litigation must be more than theoretical for this exemption to apply.
 - Personnel matters affecting employees of the public bodies, unless all parties request or consent to a public hearing. Prior to discussion of personnel, affected employees must be given notice, known as a Rice notice, which gives the employee the right to request a public hearing.
 - Proceedings that could result in a suspension, civil penalty, or loss of a license or permit.
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1. COUNSEL'S REPORT