

**SOUTH JERSEY TRANSPORTATION AUTHORITY
EXECUTIVE SESSION MINUTES**

APRIL 20, 2010

Vice Chairman Summerville called the Executive Session meeting to order at 10:15 a.m. and noted that this Executive Session was being conducted in accordance with Resolution 2008-14 of the South Jersey Transportation Authority, which provides for the following:

The general nature of the subject matter of this closed session meeting shall pertain to matters authorized pursuant to N.J.S.A. 10:4-12(b) (4), (5), (7) and (8).

Present

Chairman James S. Simpson (Participated via Video Conferencing)
Vice Chairman Mark Summerville
Commissioner Jeffery A. April, Esq.
Commissioner Joseph W. Devine
Commissioner James U. Gaymon, Jr.
Commissioner C. Robert McDevitt
Commissioner Joseph Ripa
Commissioner Timothy J. Lizura

Absent

Commissioner Louis Toscano

Also Present

Bart Mueller, Executive Director
Maura Tulley, Governor's Authorities Unit
Keith Barrack, General Counsel
Robert Ortiz, General Counsel
Mark Asselta, Brown & Connery
Dennis Culnan, Deputy Executive Director
Sharon Gordon, Deputy Executive Director
Stephen Dougherty, Chief of Staff
Sam Donelson, Director of Engineering
Walter Perkins, NJ Department of Transportation
Susan Drake, Authority Board Secretary

Pending Litigation

Keith Barrack, General Counsel reported to the Board that pending litigation is scheduled to go to trial on May 10, 2010 regarding the 2005 automobile accident at Milepost 7.3 on the Atlantic City Expressway. The accident involved three automobiles; the first that spun out on a section of black ice, the second hitting the first and the third hitting the driver of the second car who got out of her automobile after striking the first automobile. The last automobile struck the driver of the second car pinning her between the cars causing the loss of one of her legs.

The claim is based on Authority staff failed to keep the Atlantic City Expressway clear and safe for patron travel.

Hunter Roberts Construction Group

Mark Asselta, Counsel from Brown & Connery, reported to the Board regarding the potential bid protest regarding the Atlantic City International Airport Terminal Expansion and Federal Inspection Services Facility (FIS) project. Hunter Roberts was deemed the lowest, responsive bidder in an amount of \$25,157,675.00. The second lowest bidder, T.N. Ward contends that the Hunter Roberts bid did not comply with the Authority requirements. That Hunter Roberts submitted their bid with a sub-contractor listed that was not certified by the American Institute of Steel Construction for structural steel. Hunter Roberts submitted two sub-contractors, one of which was certified and the other was not. T.N. Ward argues that the Hunter Roberts bid should be rejected because only one subcontractor is certified. T.N. Ward further contends that sufficient information was not provided for the structural steel subcontractors. T.N. Ward also contends that DPMC requirement mandate that only one contractor can be listed for each trade.

T.N. Ward also argues that two of the sub-contractors named in the Hunter Roberts bid were not competent to perform the required work for each trade for which they were named (glass and painting) and that they did not submit price quotes for the work they were to perform. Mr. Asselta stated that T.N. Ward has not pointed to anything in the Authority bid specifications or any provision under New Jersey law that requires price quotes for these sub-contractors.

T.N. Ward contends that one of the sub-contractors does not have Small Business Enterprise (SBE) certification from the State and therefore; Hunter Roberts has intentionally misrepresented its inclusion of SBE firms. Authority staff has confirmed that the subcontractor at issue is in fact SBE certified.

Mr. Asselta discussed the arguments raised by T.N. Ward and recommended going forward with the award of this contract to Hunter Roberts.

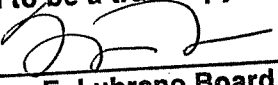
There being no further business, Vice Chairman Summerville called for a motion to adjourn the Executive Session.

Motion was moved by Commissioner April and seconded by Commissioner Gaymon; motion carried adjourning the Executive Session at 10:50 a.m.

Submitted by:

Susan Drake, Authority Board Secretary

Certified to be a true copy



Susan E. Lubrano Board Secretary

Date: 7/15/11

I was not present during this executive session meeting; however, I certify these to be the accurate and true minutes I received from the former Board Secretary.