

**SOUTH JERSEY TRANSPORTATION AUTHORITY**     *revised 6/15/21*  
**BOARD OF COMMISSIONERS MEETING**  
**JUNE 16, 2021**  
**AGENDA**

The June 16, 2021, Board of Commissioners Meeting will be held at 9:00 a.m. via Teleconference. Opportunity for public participation by telephone will be available by dialing: 1 (800) 346-7359 access code: 492851.

1. Statement of Public Notice
2. Roll Call
3. Approval of the June 16, 2021 Agenda
4. Approval of the May 19, 2021 Meeting Minutes
5. Executive Session
6. Executive Report
7. Committee Reports
8. Public Response to Agenda Items
9. Presentation and Approval of Bills
10. Resolutions and Motions

**RESOLUTIONS TO BE PRESENTED**

**RESOLUTION 2021-56 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE SALE OF PROPERTY LOCATED IN THE CITY OF ATLANTIC CITY, COUNTY OF ATLANTIC, NEW JERSEY, IDENTIFIED ON THE OFFICIAL TAX MAP AS BLOCK 147, LOT 1, ALSO KNOWN AS THE NEW YORK AVENUE GARAGE, TO THE HIGHEST QUALIFYING BIDDER AT THE PUBLIC AUCTION**

On March 17, 2021, the Authority adopted resolution 2021-16 authorizing the sale of the Property by public auction. The Authority held a public auction on June 3, 2021. Six parties were actively involved in the bidding after publication of a formal advertisement, by two insertions, in the appropriate newspaper and in the time and manner required by the Local Land and Buildings Law. Upon review the bids submitted by Douglas Development Corporation of Washington, D.C., the Authority has determined that the same satisfies the minimum bid required and meets all of the terms and conditions of the sale as set forth in the Advertisement of Sale and Bid Package. The Authority approves and accepts the bid submitted by Douglas Development Corporation of Washington, D.C. as the highest qualifying bidder having submitted a bid for the purchase of the Property and meeting all of the terms, conditions and minimum requirements of the sale in the amount of the bid submitted at auction of \$2,990,000.00.

~~**RESOLUTION 2021-57 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING CERTAIN PERSONNEL ACTIONS**~~

~~Pursuant to the Authority By-Laws, the Personnel Committee shall advise the Board on issues related to organization structure, equal employment opportunity, labor negotiations, employment practices and personnel actions affecting an individual's employment status or compensation. This resolution seeks Board approval for personnel actions as specified in the "Schedule A" attached to this resolution.~~

**RESOLUTION 2021-58 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF THE CONTRACT WITH ATLANTICARE PHYSICIAN GROUP, PA., OF EGG HARBOR TOWNSHIP, NEW JERSEY TO PROVIDE PRE-EMPLOYMENT PHYSICALS, CDL TESTING AND HAZMAT TESTING**

On April 14, 2021, and April 15, 2021, the Authority publicly advertised a Request for Proposals (RFP) for a qualified healthcare provider to perform occupational medical testing for the Authority, including, but not limited to, Pre-Employment Physicals, CDL Testing and Hazmat Testing for Authority employees including Firefighters. In response to said advertising, on May 12, 2021, two (2) proposals

were received. In accordance with the Authority's Policy and Procedures, the Consultant Selection Committee (CSC) met on May 19, 2021, to review and rank said proposals. Based on the CSC's review and ranking of the proposals, AtlantiCare Physician Group, PA., of Egg Harbor Township, New Jersey is being recommended for said services. The Director of Business Administration believes it to be in the best interest of the Authority to enter into a contract with AtlantiCare Physician Group, PA., of Egg Harbor Township, New Jersey for Pre-Employment Physicals, CDL Testing and Hazmat Testing Provider for the Authority for a term of two (2) years with an option to renew for two (2) additional one (1) year periods.

**RESOLUTION 2021-59 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE EXTENSION OF THE APPOINTMENT OF BROWN AND CONNERY, LLP OF WESTMONT, NEW JERSEY, AS GENERAL LEGAL COUNSEL AND MCMANIMON-SCOTLAND-BAUMANN, LLC OF ROSELAND, NEW JERSEY, AS SPECIAL LEGAL COUNSEL TO THE SOUTH JERSEY TRANSPORTATION PLANNING ORGANIZATION**

In furtherance of Executive Order #37 dated September 26, 2006, and to enhance effective and efficient management of legal resources, on February 10<sup>th</sup> and February 11<sup>th</sup>, 2020, the Authority publicly advertised a Request for Proposals ("RFP") for General Legal Counsel and Special Legal Counsel services for the SJTPO. Based on the Consultant Selection Committee's evaluation and recommendation, on June 17, 2020 the Authority, via Resolution 2020-64, awarded a contract to Brown & Connery, LLP to serve as General Legal Counsel and McManimon, Scotland and Bauman, LLC to serve as Special Legal Counsel to the SJTPO. The term of said contracts are for one (1) year with a one (1) year renewal option, at the discretion of the of the SJTPO. As the existing term is set to expire on or about August 13, 2021, the SJTPO with the concurrence of the Authority, desire to exercise their option to extend the contracts for General Legal Counsel and Special Legal Counsel for a one (1) year period. On May 24, 2021, the SJTPO approved the extension of the appointment of Brown & Connery, LLP to serve as General Legal Counsel to the SJTPO via Resolution 2105-24 and the extension of the appointment of McManimon, Scotland and Bauman, LLC to serve as Special Legal Counsel to the SJTPO via Resolution 2105-25, for a period of one (1) year from July 1, 2021 to June 30, 2022. The Director of Engineering/Chief Engineer, who represents the Authority on the SJTPO Policy Board, concurs with the SJTPO's action to extend the appointments of Brown & Connery, LLP as General Legal Counsel and McManimon, Scotland and Bauman, LLC as Special Legal Counsel to the SJTPO.

**RESOLUTION 2021-60 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE EXECUTION OF A MONTH-TO-MONTH EXTENSION OF AN AGREEMENT WITH TELESYSTEM FOR THE PROVISION OF TELECOMMUNICATIONS SERVICES FOR THE AUTHORITY**

Pursuant to Section 8(a) of the Act, the Authority is required to publicly advertise for all contracts and agreements made pursuant to the Act to be awarded by the Authority only after public advertising. On or about January 18, 2017, following the receipt of public bids, the Authority passed Resolution 2017-02 authorizing the execution of an agreement with Block Line Systems, LLC, D/B/A Line Systems, of West Chester, Pennsylvania for the provision of Telecommunications Services for the Authority for a three-year term with two (2) mutually agreeable one-year extension options ("Agreement"). The Authority entered into the Agreement with Block Line Systems, LLC on August 8, 2017. Block Line Systems, LLC was acquired by Telesystem and the Agreement assumed by Telesystem. The initial three-year contract term expired on August 8, 2020. Pursuant to Resolution 2020-95, the Authority extended the term of the Agreement on a month-to-month basis to allow the Authority time to solicit proposals and award a contract for telecommunications services to another vendor. At this time, the Authority is negotiating the terms and conditions of a new contract for telecommunication services. As such, the Authority seeks to extend the term of the Agreement on a month-to-month basis to allow the Authority to negotiate the terms and conditions of a new contract for telecommunication services.

**RESOLUTION 2021-61 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE ADOPTION OF THE 2020 ANNUAL REPORT OUTLINING THE AUTHORITY'S PROJECTS AND ACHIEVEMENTS FOR THE YEAR 2020**

Pursuant to N.J.S.A. 27:25-20, the Authority is required to promulgate an Annual Report. The Authority's Annual Report outlines Authority projects and achievements for the year 2020. The Annual Report includes the 2020 Financial Audit Report that was approved via Resolution 2021-31, at the April 15, 2020 Board Meeting. The Authority desires to adopt the 2020 Annual Report presented by the Authority's Marketing & Communications Division.

**RESOLUTION 2021-62 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO SOUTH STATE, INC. OF BRIDGETON, NEW JERSEY FOR THE ATLANTIC CITY EXPRESSWAY BRIDGE 18 REHABILITATION PROJECT**

On April 28, 2021, and April 29, 2021, the Authority publicly advertised for bids for the Atlantic City Expressway Bridge 18 Rehabilitation Project. Work for this program consists of furnishing all labor, equipment, and materials and performing all work required to replace the reinforced concrete deck, reinforced concrete parapets, fence, and random beam bearings. On May 19, 2021, seven (7) bids were received, opened, and tabulated. South State, Inc. of Bridgeton, New Jersey was deemed to have submitted the lowest responsive, responsible bidder in an amount not to exceed \$4,900,229.90. The Director of Engineering/Chief Engineer believes it to be in the best interest of the Authority and recommends entering into a contract with South State, Inc. of Bridgeton, New Jersey, for the Atlantic City Expressway Bridge 18 Rehabilitation Project, in an amount not to exceed \$4,900,229.90.

**RESOLUTION 2021-63 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO BERENATO CONTRACTORS, INC. OF HAMMONTON, NEW JERSEY FOR THE ATLANTIC CITY EXPRESSWAY 2021 RAMP LIGHTING IMPROVEMENTS**

On April 28<sup>th</sup> and April 29<sup>th</sup>, 2021, the Authority publicly advertised for bids for the Atlantic City Expressway 2021 Ramp Lighting Improvement Project. Work for this program consists of the installation of lighting improvements along the Atlantic City Expressway. The work primarily involves installation of new lighting standards and the associated wiring and conduit needed for power supply. Major work items for Lighting Improvements include but are not limited to: Installation of new lighting standards, new meter cabinets and providing power to same. As part of this solicitation, the Authority sought three separate Base Bids, wherein the work limits for each varied and the selection is contingent upon available funds. The ramp lighting improvement locations for the three (3) base bids are as follows: Base Bid 1: Interchange 7 On and Off Ramps and Bridge over Garden State Parkway, Interchange 12 Eastbound Off-Ramp, and Interchange 14 Eastbound Off-Ramp; Base Bid 2: Interchange 7 On and Off Ramps and Bridge over Garden State Parkway, Interchange 12 Eastbound Off-Ramp, Interchange 14 Eastbound Off-Ramp, and Interchange 28 Eastbound On and Off Ramps; Base Bid 3: Interchange 7 On and Off Ramps and Bridge over Garden State Parkway, Interchange 12 Eastbound Off-Ramp, Interchange 14 Eastbound Off-Ramp, Interchange 28 Eastbound On and Off Ramps, and Interchange 31 Eastbound On-Ramp. The award of the base bids will be made subject to the availability of funds. On May 18<sup>th</sup>, 2021, one (1) bid was received, opened and tabulated. Following a review of the bids, the Authority deemed that the award of the Base Bid #1, of which limits are indicated above, represented the best value for the Authority. Berenato Contractors, Inc. of Hammonton, New Jersey was deemed to have submitted the sole responsive, responsible bid for the desired Base Bid #1. The Director of Engineering/Chief Engineer believes it to be in the best interest of the Authority and recommends entering into a contract with Berenato Contractors, Inc. of Hammonton, New Jersey, for the Atlantic City Expressway 2021 Ramp Lighting Improvement Project, Base Bid #1, in an amount not to exceed \$1,721,929.50.

**RESOLUTION 2021-64 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO A.P. CONSTRUCTION, INC. OF BLACKWOOD, NEW JERSEY FOR THE ATLANTIC CITY AIRPORT 2021 PARKING GARAGE REHABILITATION PROJECT**

On April 28<sup>th</sup> and April 29<sup>th</sup>, 2021, the Authority publicly advertised for bids for the Atlantic City Airport 2021 Parking Garage Rehabilitation Project. Major work items include and are not limited to: Concrete and waterproofing repairs to the existing Parking Garage, located at the Atlantic City International Airport. As part of this solicitation, the Authority sought three separate Base Bids as follows: Base Bid #1- All concrete repairs (Types 1-6) shown throughout the garage. Base Bid #2 -All concrete repairs (Types 1-6) shown throughout the garage; Repair Types 7-12 for the Area on Level 3 marked Base Bid #2; Base Bid #3-All concrete repairs (Types 1-6) shown throughout the garage; Repair Types 7-12 for the area on Level 3 marked Base Bid #2; Repair Types 7-12 for the area on Level 3 marked Base Bid #3. The award of the base bids will be made subject to the availability of funds. On May 19<sup>th</sup>, 2021, two (2) bids were received, opened and tabulated. Following a review of the bids, the Authority deemed that the award of the Base Bid#1, of which limits are indicated above, represented the best value for the Authority. A.P. Construction, Inc. of Blackwood, New Jersey was deemed to have submitted the lowest responsible bid for the desired Base Bid #1. The Director of Engineering/Chief Engineer believes it to be in the best interest of the Authority and recommends entering into a contract with A.P. Construction, Inc. of Blackwood, New Jersey for the Atlantic City Airport 2021 Parking Garage Rehabilitation Project, Base Bid #1, in an amount not to exceed \$220,863.50.

**RESOLUTION 2021-65 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO GLOBAL ELECTRICAL SERVICES, INC. OF FRENCHTOWN, NEW JERSEY FOR ATLANTIC CITY INTERNATIONAL AIRPORT RUNWAY 13-31 LIGHTING PROJECT**

On March 10, 2021, and March 11, 2021, consistent with Section 8(a) of the Act, the Authority publicly advertised for bids for the Atlantic City International Airport Runway 13-31 Lighting Project. Major work items include and are not limited to: Replacement of existing incandescent Runway 13-31 Lights (Centerline, Touchdown Zone, Edge, End, LAHSO) and connecting Taxiway Lights (Centerline and Edge) up to Runway 13-31 Holding Position with new LED lights including the replacement of existing 5kV and grounding cables with new cables. In addition, it also includes replacement of existing incandescent runway/taxiway guidance signs with new LED lit guidance signs up to Runway 13-31 Holding Position Marking. On April 6, 2021, one (1) bid was received, opened and tabulated. The Authority desires to award this project contingent upon grant funding from the FAA and funding from the Air National Guard for their portion of the project. Global Electrical Services, Inc. of Frenchtown, New Jersey was deemed the sole responsive, responsible bidder in an amount not to exceed \$1,839,350.00) for the Atlantic City International Airport Runway 13-31 Lighting Project. The Director of Engineering/Chief Engineer believes it to be in the best interest of the Authority and recommends entering into a contract with Global Electrical Services, Inc. of Frenchtown, New Jersey for the Atlantic City International Airport Runway 13-31 Lighting Project in an amount not to exceed \$1,839,350.00.

**AUTHORIZING 2021-66 A SECOND AMENDMENT TO THE AIRPORT MANAGEMENT/OPERATIONS & AIRFIELD LIGHTING SYSTEMS MAINTENANCE SERVICES AGREEMENT WITH TBI AIRPORT MANAGEMENT, INCORPORATED**

Pursuant to Resolution 2016-62, the Authority was authorized to enter into negotiations with TBI AM to address their pricing structure and enter into an agreement, so to best meet the needs of the Authority. The said agreement, dated September 29, 2016, is for a term of this five (5) years commencing on or about October 1, 2016 with five (5) additional one-year renewal options with right to extend or modify the term and any options accordingly through negotiations as may be in the best interests of the Airport. Due to the effects of the COVID-19 pandemic on air traffic at the Airport, the Authority requested, and TBI AM agreed, to a temporary reduction in the fixed management fee payable to TBI AM for its Services which temporary reduction was set forth in an amendment to the Agreement dated May 12, 2020. The Authority requested that TBI AM undertake responsibility for marketing and air service development initiatives at the Airport pursuant to Article 3.14 of the Agreement, and TBI AM has agreed to perform same, in consideration for which the Authority has paid TBI AM the separate sum of \$20,000.00 annually in equal quarterly installments of \$5,000.00 (paid in January, April, July and October of each Agreement Year). The initial term of the agreement is set to expire on or about September 30, 2021, the Authority and TBI AM have agreed that it is in their mutual best interests to (i) extend the Term of the Agreement for a single period of five (5) years and have further agreed to waive

the requirement of formal notice of such extension; (ii) to amend certain portions of Article 3 and Article 5 of the Agreement so as to reflect the role and responsibilities currently being performed by TBI AM with respect to marketing and air service development and any other responsibilities as may be agreed upon by the Parties; and (iii) to incorporate the sum payable for TBI AM's marketing and air service development responsibilities into the fixed management fee payable under the Agreement. The Airport Director believes it is in the best interest of the Authority to authorize the Second Amendment to the Airport Management/Operation & Airfield Lighting Systems Maintenance Services Agreement with TBI AM, of Atlanta, Georgia in similar for as attached Exhibit "A".

**RESOLUTION 2021-67 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND ENTER INTO AN AIRLINE USE & LEASE AGREEMENT WITH SUN COUNTRY, INC., D/B/A SUN COUNTRY AIRLINES OF MINNEAPOLIS, MINNESOTA**

Sun Country Airlines has expressed an interest in providing charter air service to and from the Atlantic City International Airport. They have further expressed a desire to lease terminal space from the Authority in order to conduct its services. The Authority desires to negotiate and enter into an Airline Use and Lease agreement with Sun Country Airlines for charter service to and from the Atlantic City International Airport.

**RESOLUTION 2021-68 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING A TRANSPORTATION NETWORK COMPANY PERMIT AGREEMENT TO LYFT, INC. OF SAN FRANCISCO, CALIFORNIA, TO PROVIDE TRANSPORTATION SERVICES TO PASSENGERS AT THE ATLANTIC CITY INTERNATIONAL AIRPORT**

The Authority is responsible for the management, operation, maintenance, improvement and promotion of the Airport. The Authority has the right to permit the use of land, property and facilities at the Airport and has full power and authority to grant permits in respect thereof. The Authority desires to permit the operation of a transportation network company (TNC") at the Airport, because the network provided by TNC will be used by independent contractor drivers to connect passengers with TNC services and such is a beneficial service to passengers in the promotion, accommodation, performance and development of air commerce and air transportation. It is the intent and desire of the Authority that said passengers shall have available to them TNC services adequate to meet the requirements of all airline passengers and their luggage. The Authority desires to allow Lyft, Inc. to provide TNC Services at the Airport and Lyft, Inc desires to operate in the manner and upon the terms and provisions hereinafter set forth in similar format as attached in "Exhibit A" for a term of three (3) years, commencing on July 1, 2021.

**RESOLUTION 2021-69 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING A TRANSPORTATION NETWORK COMPANY PERMIT AGREEMENT TO RASIER LLC D/B/A UBER OF SAN FRANCISCO, CALIFORNIA TO PROVIDE TRANSPORTATION SERVICES TO PASSENGERS AT THE ATLANTIC CITY INTERNATIONAL AIRPORT**

The Authority is responsible for the management, operation, maintenance, improvement and promotion of the Airport. The Authority has the right to permit the use of land, property and facilities at the Airport and has full power and authority to grant permits in respect thereof. The Authority desires to permit the operation of a transportation network company (TNC") at the Airport because the network provided by TNC will be used by independent contractor drivers to connect passengers with TNC services and such is a beneficial service to passengers in the promotion, accommodation, performance and development of air commerce and air transportation. It is the intent and desire of the Authority that said passengers shall have available to them TNC services adequate to meet the requirements of all airline passengers and their luggage. The Authority desires to allow UBER. to provide TNC Services at the Airport and UBER desires to operate in the manner and upon the terms and provisions hereinafter set forth in similar format as attached in "Exhibit A" for a term of three (3) years, commencing on July 1, 2021.

**RESOLUTION 2021-70 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY  
AUTHORIZING SETTLEMENT OF LITIGATION RELATED TO AIRCRAFT RESCUE AND  
FIRE FIGHTING FACILITY**

In 2011, the Authority issued a request for public bids for the construction of the Aircraft Rescue and Fire Fighting Facility (the “ARFF”). Sambe Construction Company (“Sambe”) was awarded the bid and on November 4, 2011, signed the contract for construction of the ARFF. Construction of the ARFF was completed in 2013, but issues related to building envelope leaks (the “Leaks”) and heating, ventilation and air conditioning systems (the “HVAC Issues” together with the Leaks, the “Conditions”) arose. After several years of efforts by Sambe and others to remedy the Conditions proved unsuccessful, and after multiple studies to remedy the Conditions were commissioned and certain repairs to the HVAC Issues were successfully completed, on May 8, 2018, the Authority filed suit against Sambe and against Fidelity and Deposit Company of Maryland (“Fidelity”), which had issued a maintenance bond (the “Litigation”). Sambe joined numerous contractors as third-party defendants (collectively, the “Third Party Defendants” and, with Sambe and Fidelity, collectively the “Defendants”). In March 2020, the Authority issued a request for public bids for repairs to the Leaks at the ARFF, and TN Ward Company was the successful bidder. Repairs commenced in summer, 2020 and were completed in December 2020, and the Leaks have been resolved. After significant document discovery had taken place, but before depositions had occurred, on March 16, 2021, and May 11, 2021, the Authority and the Defendants participated in two days of mediation before the Honorable John E. Keefe, Sr., (J.A.D., retired). At the close of the second day of mediation the Defendants, through the mediator, made an offer to settle the Litigation for the sum of \$925,000, as a full and final settlement of the Conditions set forth in the Litigation, in exchange for the Authority’s release of all Defendants. The Authority and its counsel have determined that the resolution of the Litigation in the amount of \$925,000 is in the Authority’s best interest, in order to avoid the cost, risk and delay inherent in litigation. The terms of the proposed resolution of this matter have been presented to the Commissioners of the Authority, and a Settlement and Release Agreement (the “Settlement Agreement”) has been prepared.

11. Petitions and Communications, Unfinished Business, New Business
12. General Comment
13. Time and Place of Next Meeting: The next regularly scheduled Board meeting will be held on **Wednesday, July 21, 2021, at 9:00 a.m.** via teleconference.

ADJOURNMENT