

**SOUTH JERSEY TRANSPORTATION AUTHORITY
BOARD OF COMMISSIONERS MEETING
OCTOBER 21, 2020
AGENDA**

Revised 10/19/20

The October 21, 2020 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 October 21, 2020 Agenda
4. Approval of the September 16, 2020 Meeting Minutes
5. Executive Session
6. Roll Call upon return to Open Session
7. Executive Report
8. Committee Reports
9. Public Response to Agenda Items
10. Presentation and Approval of Bills
11. Resolutions and Motions

RESOLUTIONS TO BE PRESENTED

RESOLUTION 2020-123 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE ONE-YEAR EXTENSION OF THE CONTRACT TO FANEUIL, INC., OF HAMPTON, VIRGINIA, TO PROVIDE ATLANTIC CITY EXPRESSWAY TOLL COLLECTION SERVICES TO THE AUTHORITY FROM JANUARY 1, 2021 TO DECEMBER 31, 2021

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 July 9, 2019 and July 10, 2019, the Authority publicly advertised for bids for the Atlantic City Expressway Toll Services, which includes Toll Plaza Supervisors, Count Room Supervisors, Toll Attendants, Count Room staff as well as Toll Clerical functions on the Expressway (“Contract”), for a one-year contract with the option to extend the contract for a second year; and the Authority having received only one bid, which was materially defective, re-bid the contract. On August 20, 2019 and August 21, 2019, the Authority publicly re-advertised for bids for the Contract, and Faneuil, Inc. submitted the only bid. Faneuil, Inc. submitted a bid in an amount not to exceed \$3,930,267.40 for Year One of the Contract and in an amount not to exceed \$4,020,734.25 for Year Two of the Contract. Pursuant to Resolution 2019-101, the Authority authorized the award of the Contract to Faneuil, Inc. for a term of one (1) year for the period of January 1, 2020 through December 31, 2020 for an amount not to exceed \$3,930,267.40, with the one-year option to renew for the calendar year 2021 at the Authority’s sole discretion. The Authority, having been satisfied with the performance of Faneuil, Inc., is desirous of extending the existing Contract with Faneuil, Inc. for the second one-year period from January 1, 2021 through December 31, 2021 for an amount not to exceed \$4,020,734.25.

~~RESOLUTION 2020-124 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO SOUTH STATE, INC. OF BRIDGETON, NEW JERSEY FOR THE EMERGENCY REPAIRS TO ATLANTIC CITY EXPRESSWAY BRIDGE 27 WESTBOUND (CONFIRMING)~~

~~As a result of a motor vehicle collision on September 26, 2020, significant damage was done to Bridge 27 at milepost 2.3 Westbound on the Atlantic City Expressway. Engineering inspections have been conducted, including structural inspections by the Authority’s Chief Engineer and its general engineering consultant, Remington & Vernick. As the result of this inspection it was determined that due to the damage to Bridge 27, immediate contractor response was required to secure and stabilize the bridge structure. The Chief Engineer engaged South State, Inc. of Bridgeton, New Jersey that has history and experience with emergency repairs on Expressway Bridges and whom was available to immediately mobilize and perform temporary repairs to stabilize the bridge structure, allowing the left lane to be~~

~~reopened. On September 27, 2020, pursuant to the deficiencies and N.J.A.C. 19:2 7.7, which states “when an emergency declared by the Executive Director or his designee exists of a nature requiring immediate services, the Authority shall, by such solicitation as it considers advisable, obtain whatever is necessary to meet the emergency on the most advantageous terms possible under the circumstances,” thus the Executive Director has declared the damage to Bridge 27 emergent, and as such authorized an emergency procurement for the priority repairs. The Authority engaged South State, Inc. of Bridgeton, New Jersey to begin scheduling immediate demolition and repair work. The scope of work includes the demolition and replacement of the damaged fascia beam including the partial demolition and replacement of the bridge parapet and bridge deck to facilitate the beam replacement. South State, Inc. of Bridgeton, New Jersey will complete the necessary repairs in an amount of \$.00. In the interest of safety to the traveling public, and in accordance with N.J.A.C. 19:2 7, the Executive Director authorized South State, Inc. of Bridgeton, New Jersey to conduct the emergency repair of Bridge 27 (confirming) in an amount not to exceed \$.00. The Commissioners of the Authority, pursuant to and in furtherance of the powers granted to the Authority under Section 7(x) of the Act, do hereby approve the confirming resolution which authorized South State, Inc. of Bridgeton,, New Jersey to conduct the emergency repair to Bridge 27 at milepost 2.3.~~

RESOLUTION 2020-125 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING CHANGE ORDER #2 TO THE CONTRACT AWOC (A WOMEN OWNED CONTRACTOR, INC.) OF PHILADELPHIA, PENNSYLVANIA FOR THE 2019 ATLANTIC CITY INTERNATIONAL AIRPORT TERMINAL ROOF AND HVAC REHABILITATION PROJECT

The Engineering Department is overseeing engineering and construction projects in furtherance of the Authority’s purposes. On October 16, 2019 the Authority, via Resolution 2019-102 entered into an agreement with AWOC (A Women Owned Contractor, Inc.) of Philadelphia, Pennsylvania for the Atlantic City International Airport 2019 Terminal Roof and HVAC Rehabilitation Project, Base Bid. The original agreement with AWOC (A Women Owned Contractor, Inc.) of Philadelphia, Pennsylvania for the Atlantic City International Airport 2019 Terminal Roof and HVAC Rehabilitation Project, Base Bid was in an amount of not to exceed \$864,000.00. During construction of the base bid, Roof Areas E and F became delaminated, due to high winds and, therefore, the original bid, Add Alternate #2 for the project became priority and was accepted via Change Order Number 1, dated March 20, 2020 in the amount of \$86,000.00 which is within the 10% contingency for this project. Change Order Number 2 has been requested in the amount \$49,700.00 for additional repairs requested by the Airport in the Administration Area and 2nd Floor Gate Hold. The Director of Engineering/Chief Engineer believes it to be in the best interest of the Authority and recommends approval of Change Order Number 2 to the contract with AWOC (A Women Owned Contractor) of Philadelphia, Pennsylvania in the amount of \$49,700.00.

RESOLUTION 2020-126 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT TO ENTER INTO A LEASE WITH JB AIR, LLC (CONFIRMING)

Pursuant to Resolution 2017-113 the Authority approved the proposed project of JB Air, LLC (“JB Air”), (formerly “JBA” Air, LLC), a limited liability company of the State of New Jersey for the development of temporary and long term hangar and aircraft fueling facilities and associated support facilities on property owned by the Authority at the Airport that is developable property (the “Project”). Pursuant to Resolution 2019-120 the Authority authorized the execution of an agreement to enter into a lease and a ground lease with JB Air for the project. The Agreement with JB Air, dated January 14, 2020 (“Original Agreement”), provided JB Air with a one hundred and twenty (120) day due diligence period (“Due Diligence Period”) to determine whether JB Air would proceed with its project under the Original Agreement. JB Air was unable to complete its due diligence activities due to disruptions caused by the novel coronavirus (COVID-19) and by First Amendment to Agreement to Enter Into Lease for New Hangar Facility (“First Amendment) the Due Diligence Period was extended until September 13, 2020 which action was confirmed by Authority Resolution 2020-54. In September 2020 JB Air requested a further ninety (90) day extension of the Due Diligence Period until December 12, 2020. Due to issues of time Authority staff have agreed to the requested extension subject to the following conditions, all of which have been agreed to by JB

Air: (i) there shall be no further extensions of the due Diligence Period; (ii) JB Air shall pay a non-refundable extension payment of \$15,000.00 which can be applied to rent if JB Air proceeds with the project; (iii) the additional 90 day extension is subject to ratification by the SJTA Board of Commissioners, and if not ratified, the Due Diligence Period would only be extended until five business days after notice of the decision not to ratify. This resolution serves to confirm the ratification of the proposed extension (by way of Second Amendment to Agreement) by the Board of Commissioners of the Authority.

RESOLUTION 2020-127 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING AN AGREEMENT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION REGARDING THE COMPLETION OF MAINTENANCE SERVICES ON ROUTE 30 (MILE POST 0.92 TO MILE POST 4.20) AND INTERSTATE 676 (MILE POST 0.00 TO 3.50)

Pursuant to Section 7(p) of the Act, the Authority has the power to acquire, construct, maintain or operate any public highway connecting with any one or more projects which in the opinion of the Authority will increase the use of a project or projects, to take over for construction, maintenance or operation any existing public highway as a feeder road and to realign any existing public highway and build additional sections of road over new alignment in connection with that existing public highway. The New Jersey Department of Transportation (“NJDOT”), under the powers vested in the law, N.J.S.A. 27:1A-5 and N.J.S.A. 27:7-21, and the Authority, pursuant to its powers under the Act, have mutual interest in entering into an agreement for the initiation and completion of maintenance services (the “Agreement”) on Route 30 (“Rt. 30”) (Mile Post 0.92 to 4.20) and Interstate 676 (“I-676”) (Mile Post 0.00 to 3.50). Pursuant to the Agreement, NJDOT will continue to perform certain maintenance activities on Rt. 30 and I-676, but the Authority will begin to perform maintenance services on Rt. 30 and I-676. The Director of Operations believes it to be in the best interest of the Authority and recommends entering into a contract with NJDOT for the Authority to initiate and complete maintenance services on Rt. 30 and I-676.

RESOLUTION 2020-128 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO WINNER FORD OF CHERRY HILL, NEW JERSEY FOR THE PURCHASE AND DELIVERY OF 2020 OR CURRENT PRODUCTION YEAR EMERGENCY SERVICE PATROL VEHICLE WITH UTILITY BODY AND MESSAGE BOARD

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 March 18th and March 19th, 2020, the Authority publicly advertised for bids for the Purchase and Delivery 2020 or Current Production Year Emergency Service Patrol Vehicle with Utility Body and Message Board. On April 16, 2020, one (1) bid was received, opened and tabulated. Winner Ford, of Cherry Hill, New Jersey was deemed the sole responsive, responsible bidder in an amount not to exceed \$86,061.00 per unit. The number of units to be purchased is contingent upon the availability of funds. Pursuant to Resolution 2020-56, the Authority awarded a contract to Winner Ford of Cherry Hill, New Jersey for the Purchase and Delivery of two (2) 2020 or Current Production Year Emergency Service Patrol Vehicles with Utility Body and Message Board in an amount not to exceed \$172,122.00. Said resolution stipulated in the event the need arises, and funding is available, the Authority reserves the right to order additional units as specified herein. The Bidder agreed to hold their unit prices until March 31, 2021. The Authority, based on the recommendation of the Director of Operations, desires to enter into a second contract with Winner Ford of Cherry Hill, New Jersey for the Purchase and Delivery of four (4) 2020 or Current Production Year Emergency Service Patrol Vehicle with Utility Body and Message Board in an amount not to exceed \$344,244.00.

RESOLUTION 2020-129 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING AN A PERMIT POLICY AND PROCESS FOR POSTING OF AMERICAN FLAGS ON THE ATLANTIC CITY EXPRESSWAY

Pursuant to N.J.S.A. 27:25A-7(q), the Authority is empowered to establish rules and regulations in furtherance of its affairs and the use, maintenance and operation of the transportation system. N.J.A.C. 19:2-5.3 invests the Authority with broad discretion to prohibit the unauthorized placement of advertising

matter, posters, placards, signs or items of any kind on the Expressway, or Authority property except as otherwise authorized by the Authority. Other State and federal laws recognize the right to prohibit or otherwise regulate items along public roadways or within the right-of-way limits to protect the public safety, health or welfare (see, e.g., N.J.S.A. 27:5-9 and 23 C.F.R. §710.403. respectively). The Authority has been informed that the New Jersey Legislature is considering legislation to permit private individuals and entities to display the American Flag on the Expressway, and other roadways in New Jersey. The Authority intends to develop a method to permit the display of the American Flag on the Expressway in a manner that ensures the Authority exercises its fiduciary obligation to the citizens of the State to affirmatively act in a manner that preserves the safety and welfare of the traveling public. The Authority believes that a policy, setting reasonable safety standards, should be adopted by regulation to provide stability in implementation of American Flags on the Expressway. Pending completion of the rulemaking process, the Authority shall implement a permitting policy so that a mechanism to allow display of the American Flag will be available to the public in the interim, while a regulation is in the process of being adopted. The Authority desires to authorize the Executive Director to initiate the rulemaking process and, in the interim, develop and implement a policy to allow, by permit of the Authority, installation of the American Flag at bridges and overpasses along the Expressway.

RESOLUTION 2020-130 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 2020-131 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING SETTLEMENT OF LITIGATION

On November 7, 2018, the Authority was named as a defendant in the litigation filed by plaintiff Tracy Zisa ("Plaintiff"), captioned as Tracy Zisa v. Hollis L. Bridgers, et al., Docket No. ATL-L-2703-18, filed in the Superior Court of New Jersey, Law Division, Atlantic County (the "Litigation"). The Authority, other named defendants, and Plaintiff have determined that it is in their mutual interest to resolve all issues between them in the Litigation amicably and have negotiated terms of settlement set forth in a document entitled "Release." Pursuant to the Release, Plaintiff has agreed to dismiss her claims against the Authority and has further agreed to release the Authority from any and all claims she has or may have against them. The terms of the Release provide that the Authority will make a payment to the Plaintiff in the amount of \$55,500.00, in exchange for, inter alia, the aforementioned dismissal of the Litigation and release of all claims as set forth above. The settlement of the Litigation is not an admission of liability in any manner by the Authority. Through consultation with its legal counsel, the Authority's Board of Commissioners has determined it is in the best interests of the Authority to settle the Litigation in a manner consistent with the terms set forth in the Release.

12. Petitions and Communications, Unfinished Business, New Business
13. General Comment
14. Time and Place of Next Meeting: The next regularly scheduled Board meeting will be held on **Wednesday, November 18, 2020 at 9:00 a.m.** via teleconference.

ADJOURNMENT