

DELAWARE RIVER PORT AUTHORITY

BOARD MEETING

**One Port Center
2 Riverside Drive
Camden, New Jersey
Wednesday, July 17, 2019**

PRESENT

Pennsylvania Commissioners

Ryan Boyer, Chairman of the Board
Sean Murphy (for Pennsylvania Auditor General Eugene DePasquale)
Donna Powell
Joseph Martz
Angelina Perryman
Robert Borski (for Pennsylvania Treasurer Joseph Torsella)
Christopher Lewis

New Jersey Commissioners

Jeffrey Nash, Esq., Vice Chairman of the Board
Albert Frattali
Frank DiAntonio
Daniel Christy (via telephone)
Bruce Garganio
Richard Sweeney
Charles Fentress
Aaron Nelson (for Ricardo Taylor)

DRPA/PATCO Staff

John T. Hanson, Chief Executive Officer
Maria Wing, Deputy Chief Executive Officer
Raymond J. Santarelli, General Counsel and Corporate Secretary
Stephen Holden, Deputy General Counsel
Narisa Sasitorn, Deputy General Counsel
Kathleen Vandy, Assistant General Counsel
Gerald Faber, Assistant General Counsel
Robert Hicks, Chief Operating Officer
James White, Chief Financial Officer
Orville Parker, Manager, Budget/Financial Analysis, Finance
Toni P. Brown, Chief Administrative Officer
David Aubrey, Inspector General
John Rink, General Manager, PATCO
Rohan Hepkins, Assistant General Manager, PATCO

DRPA/PATCO Staff (cont.)

Mark Ciechon, Director of Finance, PATCO
Jack Stief, Chief, Public Safety
Christina Maroney, Director, Strategic Initiatives
Richard Mosback, Director of Procurement DRPA/PATCO
Amy Ash, Manager, Contract Administration
William Shanahan, Director, Government Relations
Barbara Holcomb, Manager, Capital Grants
Tonyelle Cook-Artis, Manager, Government Relations
Michael Venuto, Chief Engineer
Kevin LaMarca, Director, Information Services
Steve Reiners, Director, Fleet Management
Mike Williams, Director, Corporate Communications
Darlene Callands, Manager, Community Relations
Susan Bond, Engineering Program Analyst
Elizabeth Saylor, Administrative Coordinator, Corporate Secretary, OGC
Katherine Hilinski, Records Manager
Dawn Whiton, Executive Assistant of the CEO
Barbara Wagner, Executive Assistant of the CEO
Derek Bond, Legal Intern
Dasmin Frith, Grants Management Intern
Sheila Milner, Retiree

Others Present

Brian Wilton, Associate Counsel, New Jersey Governor's Authorities Unit
Christopher Gibson, Esq., Archer & Greiner, P.C. (New Jersey Counsel)
Allen Kessler, Esq., Duane Morris LLP (Pennsylvania Counsel)
Alan Becker, Citizens Advisory Committee
Mel Milner
Linda Hallowell, Wells Fargo Bank
Lou Dato, Wells Fargo Bank
Gloria Daudieir, Wells Fargo Bank
Kathy Farrell, HNTB
Megan Olivera, Quest Corp of America

OPEN SESSION

Notice

The Corporate Secretary announced that pursuant to its by-laws public notice of this meeting of the DRPA Board of Commissioners had been given by posting proper notice in the lobby at One Port Center and by issuing proper notice to the public and news media.

Roll Call

Chairman Boyer called the meeting to order at 9:05 a.m. and asked that the Corporate Secretary call the roll. The following Commissioners were present, constituting a quorum: Chairman Boyer, Vice Chairman Nash, Powell, Frattali, Christy, Perryman, Fentress, Nelson, Murphy, DiAntonio, Borski, Lewis, Sweeney, Garganio and Martz.

Public Comment

Alan Becker spoke, thanking Sheila Milner for her service and support of the public at the Delaware River Port Authority meetings.

Report of the Chief Executive Officer

CEO Hanson stated that the CEO report stood as previously submitted. He highlighted the retirement of Sheila Milner who is retiring after 20 years of service, from her role as Administrative Coordinator of Corporate Secretary.

1. Chairman Boyer asked Chief Administration Officer Toni Brown to give an update on the Intern Program. Ms. Brown provided a brief overview of the program and introduced interns Derek Bond working in the Legal Department and Dasmin Frith working in Grants Management Department.
2. Vice Chairman Nash introduced Brian Whiton of the New Jersey Governors Unit standing in for Craig Ambrose.

Commissioner Fentress moved to approve the CEO's Report and Commissioner Frattali seconded the motion. All Commissioners in attendance voted to approve the CEO's Report. The motion carried.

Report of the Chief Financial Officer

CFO White stated that his report stood as previously submitted. He noted that the numbers were still good, although there was a recent slowdown in traffic. He also noted that this year's GFOA submittal had been finalized.

Approval of the June 19, 2019 DRPA Board Meeting Minutes

Chairman Boyer stated that the Minutes of the June 19, 2019 DRPA Board Meeting had been previously provided to the Governors of New Jersey and Pennsylvania and to the DRPA Commissioners. Commissioner Powell moved to approve the Minutes and Commissioner DiAntonio seconded the motion. There were no comments or corrections. All other Commissioners in attendance voted in the affirmative to approve the Minutes as submitted. The motion carried.

Receipt and Filing of the Previously Approved List of Payments Covering the Month of June 2019 and the List of Previously Approved Purchase Orders and Contracts Covering the Month of June 2019

Chairman Boyer stated that the Monthly List of Payments covering the month of June 2019 and the Monthly List of Purchase Orders and Contracts covering the month of June 2019 were previously provided to all Commissioners. Commissioner Garganio moved to receive and file the lists and Commissioner Sweeney seconded the motion. There were no questions or comments. All Commissioners in attendance voted in the affirmative. The motion carried.

Approval of Operations & Maintenance Committee Meeting Minutes of July 2, 2019

Chairman Boyer stated that the Minutes of the July 2, 2019 Operations & Maintenance Committee Meeting were previously provided to all Commissioners. Commissioner Fentress moved to

approve the Minutes and Commissioner Frattali seconded the motion. There were no comments or corrections. All Commissioners in attendance voted in the affirmative to approve the Minutes as submitted. The motion carried.

Adoption of Resolutions Approved by the Operations & Maintenance Committee on July 2, 2019

Chairman Boyer stated that there were five (5) Resolutions from the July 2, 2019 Operations & Maintenance Committee Meeting for consideration:

DRPA-19-063 Design Services for PATCO Stations Roof Replacement

**DRPA-19-064 Design Services for the Delaware River Port Authority
Camera Surveillance System**

Chief Engineer Venuto presented a Summary Statement and Resolution that the Board authorize staff to negotiate an agreement with Burns Engineering, Inc. for \$386,435.00 to provide, design, bidding and award and construction support services for the PATCO Stations Roof Replacement Project. Mr. Venuto also presented a Summary Statement and Resolution that the Board authorize staff to negotiate an agreement with AECOM Technical Services, Inc. for \$535,657.00 to provide design services for the DRPA Camera Surveillance System.

Commissioner Frattali moved to approve both Resolutions DRPA-19-063 through DRPA-19-064 and Commissioner Fentress seconded the motion. There were no questions or comments. All Commissioners in attendance voted to approve the motion.

DRPA-19-065 Capital Project Contract Modification

Chief Engineer Venuto presented a Summary Statement and Resolution that the Board authorize the execution of a contract modification to contract BF1601, the Design Services for the Ben Franklin Bridge Maintenance Painting and Steel Repair Project. This Change Order, with HNTB Corporation, would result in an increase to the contract for \$394,000.00. Commissioner Frattali moved to approve Resolution DRPA-19-065 and Commissioner DiAntonio seconded the motion. There were no questions or comments. All Commissioners in attendance voted to approve the motion.

DRPA-19-066 Underground Storage Tank Services

DRPA-19-067 Materials for Above Ground Storage Tank Replacement

Director of Fleet Management Reiners presented a Summary Statement and Resolution that the Board authorize staff to negotiate a purchase contract with T. Slack Environmental Services for \$599,770.00 to provide underground storage tank installation services for PATCO and the Betsy Ross and Commodore Barry Bridges. Fleet Management Director Reiners also presented a Summary Statement and Resolution that the Board authorize staff to negotiate a purchase contract with E.O. Habegger Co., Inc. for \$514,000.00 to provide the materials that are needed for the above ground storage tank replacement.

Commissioner Frattali moved to approve both Resolutions DRPA-19-066 through DRPA-19-067 and Commissioner Fentress seconded the motion. There was one question concerning the New Jersey State contract used to purchase the items. All Commissioners in attendance voted to approve the motion.

Approval of Finance Committee Meeting Minutes of July 3, 2019

Chairman Boyer stated that the Minutes of the July 3, 2019 Finance Committee Meeting were previously provided to all Commissioners. Commissioner Powell moved to approve the Minutes and Commissioner DiAntonio seconded the motion. There were no comments or corrections. All Commissioners in attendance voted in the affirmative to approve the Minutes as submitted. The motion carried.

Adoption of Resolutions Approved by the Finance Committee on July 3, 2019

Chairman Boyer stated that there are two (2) Resolutions from the July 3, 2019 Finance Committee Meeting for consideration and introduced the following:

DRPA-19-062 Camera/Call Box & CBB Datacenter Maintenance Agreement

Director of Information Services LaMarca presented a Summary Statement and Resolution that the Board authorize staff to negotiate a one-year contract with Schneider Electric for an amount not to exceed \$224,336.00 for the renewal of our Camera/Call Box and CBB Datacenter Maintenance Agreement. This purchase will be with PA CoStars pricing under Contract #008-198. Commissioner Martz moved to approve Resolution DRPA-19-062 and Commissioner Sweeney seconded the motion. There were no questions or comments. All Commissioners in attendance voted to approve the motion.

DRPA-19-068 Amendment to the Lease Agreement between NJ Transit and the DRPA for the Woodcrest Station Park and Ride Facility

Deputy General Counsel Holden presented a Summary Statement and Resolution that the Board authorize staff to negotiate a nine-year Amendment to the NJ Transit Lease Agreement entered into on January 28, 1980 for the Woodcrest Station Park and Ride parking lot. Commissioner DiAntonio moved to approve Resolution DRPA-19-068 and Commissioner Sweeney seconded the motion. There were no questions or comments. All Commissioners in attendance voted to approve the motion.

Unfinished Business

Chairman Boyer called upon Chief Engineer Michael Venuto to report on two (2) matters of Unfinished Business:

DRPA-19-055 Contract No. BR-22-2018, Betsy Ross Bridge Painting and Steel Repairs, Phase 2: Thru-Truss Spans

Mr. Venuto began by addressing Resolution No. DRPA 19-055 concerning Contract No. BR-22-2018, Betsy Ross Bridge Painting and Steel Repairs, Phase 2: Thru-Truss Spans. Mr. Venuto reported that six (6) bids for the BRB Bridge Painting and Steel Repairs Phase 2 Project were received April 3rd, 2019. Allied Painting, Inc. was the apparent low bidder at \$22,500,218.50 (the Engineer's Estimate for this project was \$33,573,380). Staff performed the standard bid evaluation process over the next few weeks. In part because Allied's bid was approximately 30% below the engineer's estimate, on April 29th staff met with Allied to discuss details of its bid and the project as part of our due diligence process. Allied answered staff's questions and had the opportunity to ask staff questions. The project was placed on the agenda for June's Operation & Maintenance Committee Meeting. The project was presented to the O&M Committee on June 11th. At that meeting, the Committee considered and approved a Summary Statement and Resolution to move the matter forward to the Board. The Summary Statement and Resolution, if approved by the Board, would authorize staff to negotiate a construction contract with Allied in the bid amount of \$22,500,218.50. The matter was tabled at the June Board meeting to permit staff to address additional due diligence matters.

Mr. Venuto continued that on July 1, 2019, staff sent notice to all bidders requesting them to hold the bid prices for an additional 90 days, which is standard practice in similar situations -- bids are considered offers to the DRPA, but are typically only binding for ninety (90) days from the date of bid opening. From time-to-time, when more time to award a contract is required, DRPA's policies and procedures allow for the extension of the offer period by mutual consent. It is the bidder's discretion to hold their bid price. For this project, the two apparent low bidders elected not to exercise their option and the third lowest bidder is \$13M more than the apparent low bidder. Efforts were made to follow up with the apparent low bidder on July 2 (via email), July 8 and 9 (via phone call), and July 10 (via letter delivered via email and hard copy via overnight delivery). No response has been received.

Based on this information, the large disparity in the bid prices, and other timing concerns, Mr. Venuto requested to cancel the solicitation and re-evaluate the scope of work to evaluate the most efficient way to proceed with both remaining phases of the painting and structural work. Mr. Venuto confirmed that this would also result in canceling the Construction Management Services Contract contemplated by Resolution DRPA 19-056.

Chairman Boyer stated he was in favor of moving forward as Mr. Venuto indicated. Vice Chairman Nash inquired if waiting to re-evaluate this project will pose any hazards to the public, to which Mr. Venuto conformed that there is no hazard to the public caused by the canceling and re-evaluation of the scope of work.

General Counsel Santarelli advised the Board that based on the report of the Chief Engineer, it would be in order to consider a Motion authorizing staff to cancel the procurement of Contract No. BR-22-2018, Betsy Ross Bridge Painting and Steel Repairs, Phase 2: Thru Truss-Spans and related construction management services contract and take all necessary and appropriate action to re-

evaluate the scope of work and evaluate the most efficient manner to proceed with the remaining phases of Betsy Ross Bridge painting and structural work. Commissioner Frattali moved the Motion as stated by the General Counsel, and Commissioner Sweeney seconded the motion. There were no questions or comments on the Resolution. All Commissioners in attendance voted in the affirmative. The motion carried.

Citizens Advisory Committee Report

Alan Becker from the Citizens Advisory Committee expressed the Committee's appreciation to the staff of the DRPA and PATCO for their attendance and input at CAC meetings.

New Business

Chairman Boyer reported that there is one (1) item of New Business for consideration, and introduced the following:

**DRPA-19-069 Consideration of Pending DRPA Contracts
(Between \$25,000 and \$100,000)**

Commissioner Fentress moved to adopt Resolution DRPA-19-069 and Commissioner Martz seconded the motion. There were no questions or comments on the Resolution. All Commissioners in attendance voted in the affirmative to adopt the Resolution. The motion carried.

Adjournment

With no further business, Commissioner Fentress moved to adjourn the Meeting and Commissioner Martz seconded the motion. All Commissioners in attendance voted to approve the motion and the Meeting adjourned at 9:34 a.m.

Respectfully Submitted,

Raymond J. Santarelli, Esquire
General Counsel and Corporate Secretary