

10889. RESOLUTION 14-44 – AUTHORIZING REVISIONS AND MODIFICATIONS TO THE DELAWARE RIVER AND BAY AUTHORITY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION

WHEREAS, The Delaware River & Bay Authority (the “Authority”) was created by a Compact between the States of Delaware and New Jersey in 1962 for the public purpose of operating crossings and conducting transportation activities between the two States; and

WHEREAS, in the operation of crossing and non-crossing facilities, the Authority routinely engages in processes associated with the construction and maintenance of such facilities, and;

WHEREAS, as a public agency, in 1981, the Authority adopted Standard Specifications for Road and Bridge Construction; and

WHEREAS, the Authority has updated these specifications for individual contracts but has not undertaken a comprehensive revision of the Standard Specifications to modernize and incorporate technology advancements; and

WHEREAS, the Authority is responsible for maintaining safe, modern and efficient facilities for the public that utilizes them; and

WHEREAS, the Authority desires to maintain an open, fair and competitive public contracting process; and

WHEREAS, the Authority has concluded that revising the Standard Specifications for Road and Bridge Construction is necessary and proper; and

WHEREAS, the Authority desires to amend the Standard Specifications for Road and Bridge Construction with an effective date of December 15, 2014.

NOW THEREFORE BE IT RESOLVED that the revised Standard Specifications for Road and Bridge Construction, attached hereto, are hereby adopted with an effective date of December 15, 2014.

A motion to approve Resolution 14-44 was made by Commissioner Dorn, and seconded by Commissioner Wilson. Resolution 14-44 was approved by a roll call vote of 9-0.

Resolution 14-44 Executive Summary Sheet

Resolution: Amends and revises the Authority's Standard Specifications for Road and Bridge Construction

Committee: Projects

Committee/

Commission Date: November 18, 2014

Purpose of Resolution:

The Authority desires to amend and revise its Standard Specifications for Road and Bridge Construction to incorporate advances in engineering and construction technology. In order to more readily adapt to these advances, the Authority intends to generally rely on DelDOT's Standard Specifications for Road and Bridge Construction in the form published on DelDOT's website on the date of advertisement for future bids.

The Authority desires to have more commercially reasonable terms, and therefore, has made the Executive Director the initial decision-maker in an alternative dispute resolution process with the final binding resolution being made through an independent arbitration pursuant to the Construction Industry Arbitration Rules of the American Arbitration Association.

In addition, the Authority has recalculated the value of the Cashier's Check placed for a Bid Guaranty to be 1% of the Contract Price with a minimum of \$2,000.00 and a maximum of \$20,000 to be returned to unsuccessful bidders within 14 days of the bid opening. The Authority has also reduced the amount of the Bid Bond to 10% and amended the form of Performance Bond.

Finally, the Authority has removed the confession of judgment provisions to comply with New Jersey law.

Background for Resolution:

The Authority adopted Standard Specifications for Road and Bridge Construction in 1981. No wholesale update has been done since that time. Rather, changes have been made on an individual basis on each contract. The changes are necessary to ensure uniformity and clarity.