

**MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Delaware River and Bay Authority
TELECONFERENCE CONDUCTED FROM
Delaware Memorial Bridge Complex
Tuesday, September 15, 2020**

The meeting convened via teleconference at 12:01 p.m. with Chairperson Lathem presiding.

The opening prayer was given by Chairperson Lathem, followed by the Pledge of Allegiance.

Chairperson Lathem called on the Authority Assistant Secretary to read the meeting notice. The Assistant Secretary announced that a notice of the meeting had been distributed to the offices of the Governor of New Jersey and the Governor of Delaware, to appropriate staff members and consultants, to the press in both States and to any other individuals who had indicated an interest in receiving a copy of the meeting notice.

Chairperson Lathem called for the acceptance of the Agenda.

Chairperson Smith made a motion to accept the Agenda, seconded by Commissioner Ford and the motion carried by a voice vote of 11-0.

Chairperson Lathem called on the Assistant Secretary to take the roll.

Commissioners from Delaware

Samuel Lathem, Chairperson**
Crystal L. Carey*
Henry J. Decker*
James L. Ford III*
Michael Ratchford*
Veronica O. Faust*

Commissioners from New Jersey

James N. Hogan, Vice-Chairperson**
James Bennett - absent
Sheila McCann*
Shirley R. Wilson*
Ceil Smith**
M. Earl Ransome, Jr.*

*Attended via telephonic/electronic communications

** Physically present in James Julian Boardroom

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11674. APPROVAL OF THE MEETING MINUTES

Commissioner Smith made a motion to approve meeting minutes for July 21, 2020 seconded by Commissioner Carey and approved by a voice vote of 11-0.

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11675. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Chief Financial Officer (CFO) presented charts showing Actual versus Projected Revenues for the Delaware Memorial Bridge, the Cape May-Lewes Ferry, Airports, Delaware City-Salem Ferry Crossing and Food Service for July 2020 and August 2020.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11676. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expense for July 2020 and August 2020 with comparisons to the same periods last year.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11677. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented charts for July 2020 and August 2020 showing expenses by division for the quarter to date vs. the projected quarter and for year to date vs. total budget.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11678. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented charts for July 2020 and August 2020 showing the capital budget for crossing and economic development projects and dollars committed to date for the projects. The chart also included cash expenditures spent to date for the committed projects.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11679. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) FOR JULY 31, 2020 AND AUGUST 31, 2020

The CFO presented charts indicating the cash fund balances for the entire Authority.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11680. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Lathem noted (4) Contract Awards, (6) Contract Close-Outs, and (4) Resolutions to be considered today. All action items have been reviewed and recommended for consideration during today’s Committee meetings. He then called for public comment.

There were no public comments.

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11681. AWARD OF CONTRACT #33N-20-01R –FUEL FACILITY

The Chief Operations Officer (COO) noted that a public opening bid was held on August 6, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, TTI Environmental, of Moorestown, New Jersey in the amount of \$704,358.00.

A motion to award CONTRACT #33N-20-01R to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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11682. AWARD OF CONTRACT #CMLF-19-06 –DRY DOCKING, REPOWERING AND REPAIRS M/V NEW JERSEY

The Chief Operations Officer (COO) noted that a public opening bid was held on August 14, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Caddell Dry Dock & Repair Co., Inc. of Staten Island, New York in the amount of \$16,939,741.00.

A motion to award CONTRACT #CMLF-19-06 to the aforementioned firm was made by Commissioner Ford, seconded by Commissioner Wilson, and approved by a voice vote of 11-0.

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11683. AWARD OF CONTRACT #ILG-20-AR — RUNWAY 1-19 REHABILITATION - PHASE 1

The Chief Operations Officer (COO) noted that a public opening bid was held on July 7, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Diamond Material of Wilmington, Delaware in the amount of \$6,793,042.00.

A motion to award CONTRACT #ILG-20-AR to the aforementioned firm was made by Commissioner Smith, seconded by Commissioner Carey, and approved by a voice vote of 10-0-1. Commissioner Faust abstained from voting.

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11684. AWARD OF CONTRACT #MIV-20-03 — MILLVILLE HVAC SYSTEMMODERNIZATION

The Chief Operations Officer (COO) noted that a public opening bid was held on July 17, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Johnson Controls, of Pennsauken, New Jersey in the amount of \$44,817.00.

A motion to award CONTRACT #MIV-20-03 to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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11685. CLOSE-OUT CONTRACT # #CMLF-19-05 DRY-DOCKING AND REPAIRS M/V CAPE HENLOPEN

Contract #CMLF-19-05 – DRY-DOCKING AND REPAIRS M/V CAPE HENLOPEN was awarded to Caddell Dry Dock & Repair Co., Inc., of Staten Island, NY.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$6,093,293.75.

A motion to Close-Out Contract #CMLF-19-05 was made by Commissioner Wilson, and seconded by Commissioner Smith, and approved by a voice vote of 11-0.

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11686. CLOSE-OUT CONTRACT #DMB-16-03 – DMB 8 BAY GARAGE

Contract #DMB-16-03 – DMB 8 BAY GARAGE was awarded to Wickersham Construction and Engineering, Inc., of Lancaster, PA.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$1,596,283.50.

A motion to Close-Out Contract #DMB-16-03 was made by Commissioner Ransome, and seconded by Commissioner Carey, and approved by a voice vote of 11-0.

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11687. CLOSE-OUT CONTRACT #CMLF-15-02 – FERRY FUELING SYSTEM

Contract #CMLF-15-02 – FERRY FUELING SYSTEM was awarded to Shelby Mechanical Inc., of Cinnaminson, NJ.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$1,415,040.33.

A motion to Close-Out Contract #CMLF-15-02 was made by Commissioner Smith, and seconded by Commissioner Ratchford, and approved by a voice vote of 11-0.

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11688. CLOSE-OUT CONTRACT #DMB-10-03 – DMB ADMINISTRATION HVAC REPLACEMENT

Contract #DMB-10-03 – DMB ADMINISTRATION HVAC REPLACEMENT was awarded to Johnson Controls of New Castle, DE.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$585,956.00.

A motion to Close-Out Contract #DMB-10-03 was made by Commissioner Smith, and seconded by Commissioner McCann, and approved by a voice vote of 11-0.

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11689. CLOSE-OUT CONTRACT #ILG-18-D RECONSTRUCT TAXIWAY B SOUTH

Contract #ILG-18-D – RECONSTRUCT TAXIWAY B SOUTH was awarded to Diamond Materials of Newport, DE.

It is recommended that the Authority accept this project and make the final payment to the contractor in the amount of \$4,177,254.29.

A motion to Close-Out Contract #ILG-18-D was made by Commissioner McCann, and seconded by Commissioner Smith, and approved by a voice of vote 10-0-1. Commissioner Faust abstained from voting.

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11690. CLOSE-OUT CONTRACT #MIV-17-02 – MIV FUEL FARM

Contract #MIV-17-02 – MIV FUEL FARM was awarded to A&J Construction of Farmingdale, NJ.

It is recommended that the Authority accept this project and make the final payment to the contractor in the amount of \$823,557.85.

A motion to Close-Out Contract #MIV-17-02 was made by Commissioner Ransome, and seconded by Commissioner Smith, and approved by a voice vote of 11-0.

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11691. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

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RESOLUTION 20-23 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2020 THROUGH DECEMBER 31, 2020

WHEREAS, The Delaware River and Bay Authority (the “Authority”) adopted Resolution 01-84 requiring Commissioner review and approval of all Authority expenditures in excess of \$25,000; and

WHEREAS, the Authority anticipates expenditures at or over the \$25,000 amount to the following vendors:

DELAWARE RIVER & BAY AUTHORITY
 PROJECTED VENDORS TO BE PAID OVER \$25,000
 OPERATION EXPENDITURES
 FOR THE PERIOD 1/1/20 THROUGH 12/31/20

| VENDOR | PURCHASE DESCRIPTION | CLASSIFICATION | ESTIMATED \$ |
|------------------|---|----------------|-----------------|
| TriCab USA, Inc. | Replacement Armored Bronze Cable for Diesel Generators | Quotes | \$50,000 |

NOW, THEREFORE, BE IT RESOLVED, that the Authority authorizes expenditures to the above-listed vendors for the described purposes and authorizes payment.

A motion to approve Resolution 20-23 was made by Commissioner Wilson, seconded by Commissioner Smith, and approved by a roll call vote of 11-0.

Resolution 20-23 Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2020 through December 31, 2020.

Committee: Budget & Finance

Committee and Board Date: September 15, 2020

Purpose of Resolution:

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2020 calendar year.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 01-84, whereby the Authority shall not enter into any contract committing the Authority to spend or make any other expenditures relating to services, material and supplies in the amount of \$25,000 or more unless it has first been approved by a vote of Commissioners.

Background for the specific purchase(s):

TriCab USA, Inc.: Replacement Armored Bronze Cable for Diesel Generators

The Authority is replacing the armored bronze cable that connects to the ships' service diesel generators. Quotes for 1,200 feet of the specialized cable were requested from four (4) nationwide marine cable suppliers, with three responding. TriCab USA, Inc. submitted the lowest quote to supply the specified cable to the Authority.

Classification Definition(s):

Quotes. A purchase of equipment, supplies or non-professional services or a contract for construction or construction management that is anticipated to cost between \$25,000 and \$49,999 during a calendar year and for which the Authority has solicited written quotes. *“Contracts for materiel and supplies and non-professional services, awarded to any [vender for an amount of] more than \$25,000 but less than \$50,000 in the aggregate require the solicitation of three written quotes or all available sources, whichever is less... Construction management contracts or construction contracts...which are less than \$50,000 do not require formal solicitation of competitive prices and, if more than \$25,000 but less than \$50,000 require the solicitation of three written quotes or all available sources, whichever is less...”* (DRBA Resolution 98-31 Part 4).

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RESOLUTION 20-24 – AUTHORIZING THE PURCHASE OF TWO HANGARS AT THE CAPE MAY AIRPORT, CAPE MAY NJ.

WHEREAS, pursuant to a 1998 Ground Lease and Acquisition Agreement between the Delaware River and Bay Authority (the “Authority”) and Cape May County (the “County”), the Authority is the operator of the Cape May Airport (“Airport”), Cape May, New Jersey; and

WHEREAS, the Authority and the County have both independently and collectively expended time, manpower and other resources, including mutual investment into infrastructure, improvements and redevelopment of the Airport; and

WHEREAS, as part of a Master Planning project, it has been determined that the airport is in need of a modern General Aviation Terminal and multi-purpose facility (the “Terminal”) in a more central location at the airport; and

WHEREAS, to construct a new Terminal in the location identified, the Authority will need to terminate a ground lease and acquire the buildings thereon; and

WHEREAS, Michael Peteani desires to sell and the Authority desires to purchase 2 hangars totaling approximately 10,000 sq.ft. of land and building located on the main apron at the Airport; and

WHEREAS, the Authority and Michael Peteani have negotiated an arms' length transaction in good faith to purchase the hangars and terminate the ground lease for Four Hundred and Sixty Thousand Dollars (\$460,000.00); and

WHEREAS, the County desires to collaborate on the design and construction of the Terminal and has indicated an intent to enter into a Memorandum of Agreement (the “MOA”) with the Authority authorizing a contribution of Two Hundred Fifty Thousand Dollars (\$250,000.00) toward the Terminal’s development and construction; and

WHEREAS, the Authority will not finalize a purchase agreement until the MOA with the County is executed; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Purchase Agreement with Michael Peteani and, with the advice and consent of counsel, to have such Purchase Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the MOA with the County memorializing the acceptance of the Two-Hundred Fifty Thousand Dollar (\$250,000) contribution and, with the advice and consent of counsel, to have such MOA executed by the Chairperson, the Vice Chairperson and the Executive Director.

A motion to approve Resolution 20-24 was made by Commissioner Ransome, seconded by Commissioner Smith, and approved by a roll call vote of 11-0.

Resolution 20- 24 Executive Summary Sheet

Resolution: Authorizing the Executive Director to execute a Purchase Agreement with Michael Peteani

Committee: Economic Development

Committee Date: September 15, 2020

Board Date: September 15, 2020

Purpose and Background for Resolution:

Through a master planning project, it was determined that the current terminal no longer meets the needs of the airport and a new facility should be constructed in a more central location at the airport. Michael Peteani owns two private hangars totaling approximately 10,000 sq.ft. of land and building at the Cape May Airport. Both hangars were constructed at approximately the same time and have approximately 14 years remaining on their land lease. These hangars are located at the head of the newly redeveloped Hornet Road and the area has been designated as the optimal site for a new terminal building. Cape May County will be making a contribution of \$250,000 toward the development and construction of a modern General Aviation Terminal and multi-purpose facility to be built at the Airport.

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RESOLUTION 20-25 – AUTHORIZING AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND HNTB CORPORATION TO PROVIDE GENERAL ENGINEERING CONSULTING SERVICES FOR THE DELAWARE MEMORIAL BRIDGE, FIRST AND SECOND STRUCTURES

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority of the State of Delaware and the State of New Jersey created by Compact, which operates and maintains the Delaware Memorial Bridge and the adjoining infrastructure; and

WHEREAS, the Authority seeks to engage two (2) qualified engineering firms who will each provide professional “on-call” general engineering consulting (“GEC”) services for the Delaware Memorial Bridge; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposals for the GEC services in compliance with Resolution 98-31, as amended, which governs the Authority’s procedures for its procurement of professional services; and

WHEREAS, the Authority received seven (7) proposals pursuant to the aforementioned public Request for Proposals; and

WHEREAS, a Selection Committee evaluated all proposals received and selected the four (4) highest-ranked proposals for further consideration and conducted interviews with those firms; and

WHEREAS, HNTB CORPORATION was designated as one of the two the highest-ranking firms following final evaluation; and

WHEREAS, the Authority conducted an analysis of the Fee Schedule proposed by HNTB CORPORATION, and, following negotiations, determined the maximum labor rates and fees to be fair and reasonable; and

WHEREAS, the Authority wishes to enter into a Services Agreement (“Agreement”) with HNTB CORPORATION to provide “on-call” GEC and inspection services for the Delaware Memorial Bridge; and

WHEREAS, the Agreement shall have a base term of four (4) years, with the Authority to have the option to extend the Agreement for an additional period of two (2) years, such extension period to be authorized by the Projects Committee along with the consent of the Chairperson and Vice Chairperson of the Board of Commissioners; and

WHEREAS, the Projects Committee reviewed this recommendation and concurs; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Service Agreement with HNTB CORPORATION to provide such GEC services to the Authority and to have such Agreement, with the advice and consent of

Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director,

A motion to approve Resolution 20-25 was made by Commissioner Smith, seconded by Commissioner Decker, and approved by a roll call vote of 11-0.

Resolution 20-25 Executive Summary Sheet

Resolution: Authorizes an agreement between the Authority and HNTB CORPORATION to provide professional general engineering consulting (“GEC”) services for the Delaware Memorial Bridge, First and Second Structures

Committee: Projects Committee

**Committee/
Board Date:** September 15, 2020

Purpose of Resolution:

To authorize an agreement with HNTB CORPORATION to provide professional “on-call” general engineering consulting (“GEC”) services for the Delaware Memorial Bridge, First and Second Structures.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 98-31, as amended, which governs the procedure for the procurement of professional services.

The Authority evaluated proposals submitted by the following seven (7) firms:

AECOM Technical Services
Greenman-Pedersen, Inc. (GPI)
HNTB Corporation
Stantec
T.Y. Lin International
Thornton Tomasetti
WSP USA, Inc.

The Selection Committee conducted interviews with the four (4) highest-ranked proposals/proposers and afterward utilized the published final evaluation criteria to establish a final ranked list of firms, with HNTB CORPORATION being identified as one of the two highest-ranked firms. The Authority then analyzed the fees proposed and, following negotiations, determined the maximum rates and fees to be fair and reasonable. The price/cost of each work order/task assigned to the consultant will be negotiated at the individual work order/task assignment-level and compensation shall not exceed the maximum fees included in the Service Agreement.

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RESOLUTION 20-26 – AUTHORIZING AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND WSP USA, INC. TO PROVIDE GENERAL ENGINEERING CONSULTING SERVICES FOR THE DELAWARE MEMORIAL BRIDGE, FIRST AND SECOND STRUCTURES

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority of the State of Delaware and the State of New Jersey created by Compact, which operates and maintains the Delaware Memorial Bridge and the adjoining infrastructure; and

WHEREAS, the Authority seeks to engage two (2) qualified engineering firms who will each provide professional “on-call” general engineering consulting (“GEC”) services for the Delaware Memorial Bridge; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposals for the GEC services in compliance with Resolution 98-31, as amended, which governs the Authority’s procedures for its procurement of professional services; and

WHEREAS, the Authority received seven (7) proposals pursuant to the aforementioned public Request for Proposals; and

WHEREAS, a Selection Committee evaluated all proposals received and selected the four (4) highest-ranked proposals for further consideration and conducted interviews with those firms; and

WHEREAS, WSP USA, INC. was designated as one of the two the highest-ranking firms following final evaluation; and

WHEREAS, the Authority conducted an analysis of the Fee Schedule proposed by WSP USA, INC., and, following negotiations, determined the maximum rates and fees to be fair and reasonable; and

WHEREAS, the Authority wishes to enter into a Services Agreement (“Agreement”) with WSP USA, INC. to provide “on-call” GEC and inspection services for the Delaware Memorial Bridge; and

WHEREAS, the Agreement shall have a base term of four (4) years, with the Authority to have the option to extend the Agreement for an additional period of two (2) years, such extension period to be authorized by the Projects Committee along with the consent of the Chairperson and Vice Chairperson of the Board of Commissioners; and

WHEREAS, the Projects Committee reviewed this recommendation and concurs; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Service Agreement with WSP USA, INC. to provide such GEC services to the Authority and to have such Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 20-26 was made by Commissioner Smith, seconded by Commissioner Decker, and approved by a roll call vote of 11-0.

Resolution 20-26 Executive Summary Sheet

Resolution: Authorizes an agreement between the Authority and WSP USA, INC. to provide professional general engineering consulting (“GEC”) services for the Delaware Memorial Bridge, First and Second Structures

Committee: Projects Committee

**Committee/
Board Date:** September 15, 2020

Purpose of Resolution:

To authorize an agreement with WSP USA, INC. to provide professional “on-call” general engineering consulting (“GEC”) services for the Delaware Memorial Bridge, First and Second Structures.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 98-31, as amended, which governs the procedure for the procurement of professional services.

The Authority evaluated proposals submitted by the following seven (7) firms:

AECOM Technical Services
Greenman-Pedersen, Inc.
HNTB Corporation
Stantec
T.Y. Lin International
Thornton Tomasetti
WSP USA, Inc.

The Selection Committee conducted interviews with the four (4) highest-ranked proposals/proposers and afterward utilized the published final evaluation criteria to establish a final ranked list of firms, with WSP USA, INC., being identified as one of the two highest-ranked firms. The Authority then analyzed the fees proposed and, following negotiations, determined the maximum rates and fees to be fair and reasonable. The price/cost of each work order/task assigned to the consultant will be negotiated at the individual work order/task assignment-level and compensation shall not exceed the maximum fees included in the Service Agreement.

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11692. EXECUTIVE DIRECTOR'S COMMENTS

The Executive Director reported on events in and around the Authority as follows:

The Executive Director displayed pictures of one of the two buildings coming down at the Cape May Airport. The Lewes Maintenance Building is well underway. The next picture Northbound Span regarding the Pilot Project, which takes place through October 14, 2020. A waterpower device rips up the decking.

The Executive Director highlighted Mike Lynch, Assistant Port Engineer with the DRBA. Mr. Lynch will be participating in Operation Deep Blue the expedition to Honor Our Fallen. This consists of 225-mile sea kayak expedition starting in New Jersey and ending at the National Law Enforcement Officers Memorial in Washington, DC.

Upcoming Events:

Friday, September 25, 2020 – Gold Star Family Service at Veterans Memorial Park

Tuesday, October 20, 2020 – Commissioners Board Meeting

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11693. COMMISSIONERS PUBLIC FORUM

Chairperson Lathem called for comments from the public and the Commissioners.

Chairperson Lathem asked for an update on the Grain Restaurant, Lewes, DE. The Executive Director discussed the incredible location and the people committed to making this a success. It has become a very popular place and announced the Fall Concert Series.

There being no further business, Chairperson Lathem adjourned the meeting at 12:22 p.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY



Stephen D. Williams
Assistant Secretary