

RESOLUTION 25-26 – AUTHORIZING AN EXTENSION OF THE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND ELLIOTT BAY DESIGN GROUP, LLC FOR NAVAL ARCHITECT SERVICES

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, that operates and maintains the Cape May-Lewes Ferry (“CMLF”);

WHEREAS, the Authority and Elliott Bay Design Group, LLC (“EBDG”) previously entered into *Service Agreement CS-20-02: Naval Architect Services* (the “Service Agreement”), whereby the Authority contracted EBDG to serve as its primary naval architect/marine engineer during a multi-phased project to replace the existing CMLF vessels;

WHEREAS, as authorized by Resolutions 20-44 and 22-50, EBDG has delivered *Phase 1 - Marine Master Planning Services* and *Phase 2 - Vessel Design Services*, respectively, under the Service Agreement;

WHEREAS, the Authority is currently in the process of accepting bids from U.S. shipyards to construct a new 75-Car Ferry Vessel in accordance with plans, drawings and technical specifications delivered by EBDG under Phase 2 of the Service Agreement;

WHEREAS, the Authority wishes to extend the Service Agreement to *Phase 3 – Technical Support During Construction*, during which phase EBDG will provide naval architect/marine engineer services including, but not limited to: Reviewing Documents and Drawings, Regulatory Approvals, Contract Interpretation and Change Orders, Progress Meetings, Onsite Visits, Dock and Sea Trials, As-Built Drawing Reviews, and Propulsion System Warranty Work (the “Services”);

WHEREAS, EBDG submitted a time-and-material proposal to the Authority, dated April 25, 2025, to complete the Services in an amount not-to-exceed six hundred eighty-six thousand two hundred sixty-nine dollars (\$686,269) (the Proposal);

WHEREAS, the Authority has reviewed the Proposal and has determined the proposed fees to be fair and reasonable; and within the funding prescribed by the Authority’s approved Capital Improvement Program and 5-Year Strategic Plan, and staff recommends the Authority accept the Proposal;

WHEREAS, the Authority may also elect to engage Elliott Bay Design Group for other naval architect services not included in the Proposal, and for which written proposals will be obtained and approved separately by the Authority;

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

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to engage EBDG to provide the Services as described in the Proposal. In accordance with the Service Agreement, such modification shall be by formal written addendum executed on behalf of the DRBA by the Executive Director or his designee and by an authorized representative of the Consultant.

Resolution 25-26 Executive Summary Sheet

Resolution: Authorizes an extension to DRBA Service Agreement CS-20-02 - Naval Architect Services (the “Agreement”) with Elliott Bay Design Group, LLC (EBDG) to provide *Phase 3 – Technical Support During Construction*, the purpose of which will be to provide assistance with regulatory reviews of the new design, to provide engineering support during construction, and to assist with quality assurance of the new vessel.

Committee: Projects Committee

Committee/

Board Date: May 20, 2025

Purpose of Resolution:

To authorize an extension of an agreement with Elliott Bay Design Group, LLC to provide continued professional Naval Architect services to the Delaware River and Bay Authority during the construction phase of the new ferry vessel.

Background for Resolution:

The Authority hired Elliott Bay Design Group under Service Agreement CS-20-02 to provide design and analysis work on behalf of the Cape May-Lewes Ferry, and to assign the Consultant to *Phase 1 - Marine Master Planning Services* of a multi-phased plan to ultimately replace the CMLF’s vessels (Resolution 20-44).

The Authority amended the Service Agreement with EBDG to include *Phase 2 - Vessel Design Services*. This encompassed all subsequent design phases, including development of final design parameters, and the completion of detailed vessel design work, which will ultimately be used by the Authority to solicit competitive bids from prospective shipyards for the construction of a new Cape May – Lewes Ferry vessel (Resolution 22-50).

The Authority now wishes to extend/amend the Service Agreement to include *Phase 3 – Technical Support During Construction*, which will include services including regulatory review and approvals, construction support, and quality assurance during and after construction of the new ferry vessel.

The Authority has received a time & material proposal from EBDG for the Phase 3 Services in an amount not-to-exceed \$686,269.00.