

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD TELECONFERENCE MEETING
WEDNESDAY, APRIL 1, 2020 AT 9:00 A.M.**

- 1. NOTICE OF PUBLIC MEETING**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MEETING MINUTES**
 - a. Board Open Session Meeting Minutes of March 4, 2020
- 5. AUTHORITY MATTERS**
 - a. CEO Report
 - b. Chairman's Report
- 6. REPORT AND RECOMMENDATIONS OF THE AUDIT COMMITTEE (CHAIRMAN'S REPORT)**
- 7. REPORT AND RECOMMENDATIONS OF THE SCHOOL REVIEW COMMITTEE (CHAIRMAN'S REPORT)**
 - a. Construction Manager Award – Perth Amboy School District – Perth Amboy New High School - ET-0099-M01
 - b. Approval of Awards - Design Consultant Services for Limited-Scope Projects - GP-0263-R01
 - c. Proposed New Rules for OPRA Compliance: Notice of Proposal – Requests for Access to Government Records, N.J.A.C. 19:33
- 8. MONTHLY REPORTS**
 - a. *For Informational Purposes*
 - i. Active Projects Report
 - ii. Project Close Out Status Report
 - iii. Project Status Reports
 - iv. Contracts Executed Report/Amendments & Change Orders Executed Report
 - v. Contract Terminations Report (*no activity*)
 - vi. Settlement Activities Report (*no activity*)
 - vii. Diversity and Workforce Participation Report
 - viii. Regular Operating District Grant Activity Report
 - ix. Notification of Amendments to Goods and Services Contracts Not Exceeding \$100,000 or 10% of the Contract Value (*no activity*)
 - x. Communications Report (*no report*)
 - xi. Monthly Financial Report
 - xii. Design Contract De-Obligations Report (*no activity*)
- 9. PUBLIC COMMENTS**
- 10. EXECUTIVE SESSION**
 - a. Legal Matters
 - b. Litigation/Contract Matter(s) – OPMA Exemption N.J.S.A. 10:4-12b (7)
CCD Report (*no activity*)
- 11. ADJOURNMENT**

APPROVAL OF MEETING MINUTES

MARCH 4, 2020 OPEN SESSION MINUTES

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS MEETING
WEDNESDAY, MARCH 4, 2020**

A meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, March 4, 2020 at 9:00 A.M. at the offices of the Authority at 32 East Front Street, Trenton, New Jersey.

Participating were:

- Robert Nixon, Chairman
- Michael Kanef (Treasury)
- Bernard Piaia (DOE)
- Stephen Martorana (EDA)
- Kevin Luckie (DCA)
- Kevin Egan
- Richard Elbert
- Loren Lemelle
- Michael Maloney
- Mario Vargas

being a quorum of the Board. Mr. Nixon, Mr. Egan, Mr. Elbert, Mr. Kanef, Ms. Lemelle and Mr. Piaia participated in the meeting by teleconference.

At the Chairman’s request, Manuel Da Silva, chief executive officer; Andrew Yosha, vice president; Jane F. Kelly, vice president and assistant secretary; Donald Guarriello, vice president and chief financial officer; Albert Barnes, chief counsel; Cecelia Haney, deputy chief counsel and administrative practice officer; and Jane Folmer-Kelleher, ethics manager of the SDA, participated in the meeting. Joy Johnson of the Governor’s Authorities Unit (GAU) also participated in the meeting.

The meeting was called to order by the Chairman of the Board, Mr. Nixon, who requested that Mr. Vargas lead the Members and all in attendance in the Pledge of Allegiance. The Chairman then asked Ms. Kelly to read the requisite notice of the meeting. Ms. Kelly announced that the meeting notice had been sent to the *Trenton Times* and *Star-Ledger* at least 48 hours prior to the meeting, and was duly posted on the Secretary of State's bulletin board at 20 West State Street in Trenton, New Jersey. Ms. Kelly then conducted a roll call and indicated that a quorum of the Members was present.

Approval of Meeting Minutes

The Chairman presented for consideration and approval the minutes of the Board's February 5, 2020 Open Session meeting. A copy of the meeting minutes and a resolution had been provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Vargas and seconded by Mr. Luckie, the Open Session minutes of the February 5, 2020 SDA Board meeting were approved by the Board upon its unanimous vote in favor of the resolution attached hereto as ***Resolution 4a***.

Next, Mr. Nixon presented for consideration and approval the minutes of the Board's February 5, 2020 Executive Session meeting. A copy of the meeting minutes and a resolution had been provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Vargas and seconded by Mr. Luckie, the Executive Session meeting minutes of the February 5, 2020 SDA Board meeting were approved by the Board upon its unanimous vote in favor of the resolution attached hereto as ***Resolution 4b***.

Authority Matters

CEO Report

The Chairman then asked Mr. Da Silva for the Report of the CEO. Mr. Da Silva gave an update on projects in the procurement stage. He reported that on February 5, 2020 the Board approved award of a design-build contract to Epic Management for the Plainfield Woodland ES project. He added that the notice of award for the project was issued on February 21, 2020 and that staff expects to hold a kick off meeting this month.

With respect to projects in the constructability stage, Mr. Da Silva said that the constructability review phase is underway for the Keansburg Port Monmouth Road School project.

Turning to design-build projects in the design phase, Mr. Da Silva informed the Members that the design-builder is performing site verification activities and design phase services for the Perth Amboy HS project. He said that staff expects to advance a recommendation of award for construction management services at the April Board meeting.

Mr. Da Silva reported that all design-build projects are moving along smoothly and on schedule.

Next, Mr. Da Silva gave an update on design-bid-build projects in the construction stage. He advised that for the Orange Cleveland Street ES project, Brockwell & Carrington mobilized onsite on February 19, 2020. He noted that site clearing and fencing will begin this week. For the Orange HS project, he said that the building permit was issued on February 26, 2020 and Terminal Construction is starting footings and foundations work on March 2, 2020.

Mr. Da Silva then discussed projects in the programming stages. He said that SDA's engaged design consultant, DRG, has finalized its report on existing building conditions for the

Hoboken Demarest ES project. He added that DRG has commenced options development for application of the educational program within the existing building. He reported that for the Union City New Grade 7 to 9 School project, programming refinement discussions and SDA in-house design development activities are ongoing. He noted that the project will be advanced through a design-build delivery method. He added that staff has initiated site acquisition activities.

Turning to Authority events outreach and other activities, Mr. Da Silva said that on February 12, 2020 SDA staff met with the Camden HS Advisory Committee (Committee) to provide an update on the construction of the new High School. He reported that the Committee members were very pleased with the progress of the school.

Mr. Da Silva informed the Members that this afternoon he will be participating in the Read Across America program at the Perth Amboy Rose M. Lopez School.

Next, Mr. Da Silva said that, tomorrow, he will participate in the annual Construction Entrepreneurs Networking Seminar conference.

In closing, Mr. Da Silva reported that SDA staff is working to schedule a community meeting in Orange to discuss the Orange High School and Cleveland Street Elementary School projects with the community there.

Appointment of Records Custodian

At the Chairman's request and referencing the memorandum that was provided to the Members in advance of the meeting, Mr. DaSilva explained that, pursuant to the Open Public Records Act (OPRA) (N.J.S.A. 47:1A-1 et seq.), requests by members of the public for public documents shall be handled by a public entity's "Records Custodian". He said that the Act defines "Records Custodian as the "...officer officially designated by formal action of that agency's director or governing body..." to perform this function. He advised that management is

recommending that the Board elect SDA senior ethics manager Jane Folmer-Kelleher to serve as the Authority's Records Custodian. He informed that Members that Ms. Folmer-Kelleher has been serving as the Authority's interim records custodian since she was elected to that position by the Board in August 2019. He said that she previously served as the Authority's records custodian from 2006 to 2008 and is well qualified to serve in this role for the Authority once again.

Upon a motion by Mr. Vargas and seconded by Mr. Maloney, the Board approved the nomination of Jane Folmer-Kelleher to serve as the Authority's Records Custodian with the Members' unanimous vote in favor of *Resolution 5ai*.

Mr. Nixon thanked Ms. Folmer-Kelleher for her work as the Authority's records custodian and ethics manager, and for her patience in doing both very difficult jobs. Ms. Folmer-Kelleher thanked the Chairman and the Board for their confidence in her.

Audit Committee

Mr. Nixon, as Audit Committee Chairman, informed the Board that the Committee met on February 18, 2020 at which time management presented the January 2020 New Funding Allocation and Capital Plan Update report. He advised that, during the reporting period, there were no changes in any of the SDA District reserve balances. He added that the reserve balance for the Regular Operating Districts (RODs) increased by \$1.9 million during the reporting period due to a reduction in state share for grant projects nearing completion.

Next, Mr. Nixon reported that the Internal Audit Division (IA) provided the Committee with the 2020 proposed Audit Plan. He said that IA proposed six (6) project audits. He advised that four (4) of the project audits relate to schools that are already completed and two (2) audits relate to projects that will be completed in 2020. He said that the proposal also included twelve (12) real-time project audits along with five (5) operational audits. Mr. Nixon reported that IA

presented (5) open audit recommendations and three (3) open suggestions for improvement. He said that fifteen (15) recommendations and one suggestion for improvement have been closed since the last report. Mr. Nixon thanked Mr. Green, his staff of auditors and the executive team for their hard work.

In continuing, Mr. Nixon discussed the preliminary December 2019 Monthly Financial Report. He emphasized that this is a *preliminary* report as the financial statements are currently under review by the Authority's independent auditors. Mr. Nixon advised the Members that the Authority's operating expenses (Actual vs. Budget) for the year-to-date period totaled \$16.4 million, down \$2.8 million as compared to the budget for the corresponding period. He explained that this decrease is mainly attributable to a decrease in payroll and benefits costs (\$1.9 million) due to fewer full time employees. He reported that school facilities project expenditures (Actual vs. Forecast) for the year-to-date period total approximately \$309.6 million, approximately \$22.4 million lower as compared to the capital spending forecast for the corresponding period. He advised the Members that this variance is the result of lower than forecasted expenditures for grant activity (\$38 million), design services—net of cost recovery settlement (\$4.7 million), property acquisitions (\$2.2 million), lower than projected payroll expense allocations (\$2.4 million), and other project related costs (\$3.1 million). He noted that this decreased spending is offset by an increase in construction activity (\$25.3 million) and school furniture purchases (\$2.2 million). Mr. Nixon then reported that project expenditures (Actual vs. Prior Year Actual), at approximately \$309.6 million, are lower by \$31.5 million when compared to the corresponding prior year period. He explained that the variance is due to decreased grant activity, project insurance costs, design services—net of cost recovery settlement, and other project related cost. He added that this decreased spending is offset by an increase in spending for construction work (\$28.6 million) and school furniture purchases.

In concluding, Mr. Nixon said that, since program inception, 86% of the funds authorized for the SDA districts have been disbursed. Additionally, he noted that 96% of all SDA disbursements relate to school facilities projects, while 4% relate to operating expenses. He advised that the estimated value of active school facilities capital projects, along with emergent and regular operating district grant projects, is approximately \$2 billion.

Finally, Mr. Nixon advised that, in compliance with changes the Board made to the SDA Bylaws and Audit Committee Charter, management discussed recent personnel actions with the Committee. He said that management also provided an update on personnel-related pending litigation. Mr. Nixon explained that he cannot take questions regarding these matters as they were considered in the Executive Session of the Committee meeting.

School Review Committee

Extension of Existing Regulations: Notice of Readoption without Amendments – Procurement of Design-Build Contracts N.J.A.C. 19:36

Next, Mr. Nixon asked Mr. Luckie to provide the report of the School Review Committee (SRC). Mr. Luckie reported that the SRC met on February 18, 2020 at which time one item was discussed. Mr. Luckie said that management is seeking ratification of the filing of a notice of readoption (without amendments) and an extension of the existing regulations governing the procurement of design-build contracts, N.J.A.C. 19:36 (the Rules). He advised that in February 2013 the Board approved the final adoption of the Rules which established requirements, standards and procedures for the Authority's procurement of design-build contracts. He said that the Rules were formally published in the New Jersey Register on March 4, 2013 and will expire on March 4, 2020. He explained that given that the expiration of the Rules was imminent, staff filed a notice of readoption to extend the expiration of the Rules. Mr. Luckie explained that management followed an expedited process that permits regulations to be readopted without

amendments, and without prior publication or public comment, with the filing of a notice of readoption with the Office of Administrative Law at least thirty days prior to the expiration of the regulations. He said that management now is asking the Board to ratify that action. He emphasized again that the proposed notice of readoption process will involve no amendments or modifications to the Rules and that, upon readoption, the Rules will remain in their current form. Mr. Luckie informed the Members that management intends to review and consider revisions to the Rules in the next several months and will present any proposed changes to the Board at a later date prior to publication for public comment. He said that, following Board ratification and expiration of the veto period, the Rules presented to the Board today would be published in the New Jersey Register.

Ms. Haney informed the Members that ratification of the notice without amendments is intended to provide the SDA additional time to review the 19:36 Rules that are the design-build rules which allow for a “price and other factors” process to procure a single entity to do design and construction of a project. She said that staff ultimately will review these Rules together with the 19:38B Rules which are the “price and other factors” rules for procurement of design-bid-build contractors.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon a motion duly made by Mr. Vargas and seconded by Mr. Maloney, the proposed Extension of Existing Regulations and Notice of Readoption of regulations (without amendments) for the Procurement of Design-Build Contracts were approved with the Board’s unanimous vote in favor of ***Resolution 7a***.

Public Comments

Mr. Nixon then opened the Public Comments portion of the meeting. He asked that individuals who wish to address the same matter may do so together. He asked that comments

be limited to three (3) minutes in duration. He then turned the meeting over to the Vice-Chairman, Mr. Vargas, and left the meeting. At the Vice Chairman's request, Ms. Kelly invited Heather Sorge to the podium. Ms. Sorge advised the Board that she is the campaign organizer for Healthy Schools Now (HSN) and the New Jersey Work Environment Council (WEC). She said that she is before the Board today to talk about the steps the SDA has taken to address the mercury in flooring issue. She said that she was very pleased to see that the Authority has continued to make progress, adopted additional certifications from the manufacturers and is proactively testing all the floors that have been installed. She stated that she hoped the rest of New Jersey would follow suit. Ms. Sorge said that her organization was happy to see that the relevant Department of Education (DOE) guidelines were posted on the SDA website. She said that HSN/WEC is disappointed that the Department of Health did not adopt the strictest standards possible for mercury vapor. She stated that HSN/WEC believes that there is no safe level of mercury and that the most protective standards should be adopted to protect the children. She said that DOE's guidance was lacking in terms of safety or protocols for custodians and others coming in contact through their cleaning of these floors. She noted that the guidelines do not mention any remediation protocols. Additionally, Mr. Sorge expressed her disappointment with the guidance documents from the PESHU, i.e. Pediatric Environmental Health Specialty Unit. She stated that they are misleading in that they send forth a false sense of security that mercury vapor hazards for children are not a big issue. She said that there has not been a study on the long term effects of mercury vapors on children and that she finds it somewhat irresponsible to make a broad statement without enough facts to back up PESHU's documents. Ms. Sorge emphasized that her organization is extremely grateful to the Authority for moving forward on this issue and that she looks forward to working together on the next steps.

Ms. Julienne La Chance, accompanied by Caritina Hernandez, Linda Stork, Maria Juárez, Sara Vidal, Andres Jojas and Ms. Sorge, addressed the Board. Ms. La Chance stated that she was speaking today to make the Board aware of the current issues regarding the New Brunswick (NB) Lincoln Annex School (the School). She stated that Rutgers University, in collaboration with the Robert Wood Johnson (RWJ) Hospital intends to expand the hospital on the site of the existing School. She advised that the School serves children from grades 4-8 and is one of the top performing schools in NB. She said that DEVCO is the development company collaborating with RWJ and Rutgers. She noted that DEVCO has proposed a plan to the NB Board of Education (NBBOE) to construct a new school to replace the School. Ms. La Chance said that the current proposal suggests that the students move to a converted warehouse at 40 Van Dyke in NB which is over two (2) miles away from the School's current site. She explained that the School serves a student body which is 94% Latino and 86% economically disadvantaged, and advised the Board that many of the families would have serious problems with transportation to the proposed off site location. She said that students who attended school in the warehouse in the past have opined that the space is completely insufficient to serve as a school. She added that DEVCO has actually proposed two (2) sites as possible sites for a replacement school-- one at 131 Jersey Avenue and another at 50 Jersey Avenue. She advised that both locations are "brownfields" which, per the federal Environmental Protection Agency, means that "construction may be complicated by the potential presence of a hazardous substance, pollutant or contaminant". Ms. La Chance said that the primary replacement site at the 131 Jersey Avenue location is 34% flood plain. She noted that the floodway runs through the site which frequently causes the road leading to that location to be closed. She said that are a number of related concerns, one being that the NBBOE has been conducting business in a manner that is lacking in transparency. She said that NBBOE has held meetings which journalists were unable to attend.

She said that she and those accompanying her want to bring this concern to the Board because NB has modified their Long Term Development Plan. Ms. Maria Juarez then took the podium to advise the Board that she is a parent and that she would like to echo what Ms. La Chance has said. She noted that she has not been well informed by the NBBOE. She said this is very disappointing for her children to see the lack of respect the NBBOE has shown the impacted parents and students.

Next, Mr. Charles Kratovil addressed the Board. Mr. Kratovil reminded the Members that he had spoken to them in January about this issue at the School. He said that, as a SDA district, the NB District doesn't have any schools to spare. He added that the district cannot afford to lose one of their best performing schools, let alone one that was just recently renovated and that cost local taxpayers \$22 million. He added that solar panels were put on the school this past summer. He said that it would be crazy to sell the school and even crazier to give it away, yet that is what local officials are proposing. Mr. Kratovil said that he knows that RWJ is a very powerful and influential organization and that the parents need the state to step up because if the state does not, there will be situations where SDA districts essentially have privatized schools, i.e. where the SDA is not going to fund schools, corporations will decide when and where schools will get built and they will run roughshod over the communities that are in the way of their redevelopment agenda. He said that this is essentially what is being piloted in NB. He said that it's unacceptable--that this is a good school, a Catholic school that closed. He said that the BOE did a good thing by purchasing it, spending the money to upgrade it and open it in 2016. He added that it's gotten 3 ½ years of use and the community and children love it and don't want it to go. Mr. Kratovil said that common sense would dictate that you shouldn't close a school until there is a viable replacement ready to open. He said that the most egregious part of this proposal is that there is no concrete plan to replace this school. He added that there are some sites that

have been mentioned that have been privately owned, contaminated and would take years of work just to get a shovel in the ground. He said that he understands that some of the Members may be familiar with the building and the SDA was intimately involved in putting it up there. He said it's one thing to have a flood or fire or overcrowding at a facility resulting in the need to use a less than adequate space or a space that's a good distance from the neighborhood, but this is not that situation here. He said that this is a situation where there is a functioning neighborhood school and that it would be a disgrace to give it up.

Ms. Kelly asked Mr. Brian Kula to address the Board. Mr. Kula said that he is present to talk about the School but from a different angle. He said that, to his knowledge the information that has been presented to the public has been extremely vague and very hard to follow. He advised the Board that, to his knowledge at this point, RWJ has offered \$55 million to assist with the building of a replacement school. He added that prior to this issue there was a school called Redshaw, a situation that occurred years before, and it cost \$50 million to build that school. He said that that price did not include land acquisition. He added that the \$55 million contribution that has been proposed is not sufficient. Mr. Kula said that the public, parents and families are wondering where the rest of the money to build the school is going to come from. He said that the NBBOE clearly stated at a BOE meeting that there will be no public tax dollars contributed by the City of NB and that the BOE will not be burdened. He said that the price tag is very vague. There are no exact details as to the amount of money to be contributed nor is there any plan for follow through. He said that all the decisions are being pushed through. Mr. Kula added that the residents and families of NB, the parents of these children and even the students have been standing up for themselves at meetings and trying to be heard but, unfortunately, in many cases they are being shut out. He requested and encouraged the involvement of SDA in the issue, saying that he understands that there could be some limitations on that. He said that any

SDA involvement would be great. Mr. Kulas asked if the SDA could encourage the Commissioner of Education in New Jersey to keep an eye out and, most importantly, to listen to the students and the families of the School. He emphasized that they are the most important people in this situation and they are the ones who are going to be burdened if things do not go right.

Next, Ms. Danielle Moore addressed the Board. Ms. Moore said that the School was once St. Peter's HS in NB, the smartest school in NB. She said that the School has the highest test scores throughout the State of New Jersey. She asked that the school not be demolished as it is a very comfortable place at a good location. She said that one proposed alternative site, the vacant lot located at 131 Jersey Avenue, has been an environmental hazard since 2011. She showed numerous pictures of the vacant lot and described the conditions there. She said that the \$55 million that has been discussed as a contribution towards a new school cannot support four drums of sanitary sewage. She said that every time it floods there it mixes with sewage, something that is well known in NB. She asked the Members to take the time to see how the flooding brings garbage there, which cannot be removed. She added that DEVCO cannot remove the sewage and it cannot be cleaned up. Ms. Moore asked that the School be allowed to remain in place, adding that the alternatives will put the children in danger. She asked that the Board take the time to investigate the situation.

Ms. Caritina Hernandez came to the podium, with Ms. Maria Juarez translating for her. Ms. Hernandez said that she is a parent of a Lincoln Annex student. She said that she has tried to speak with NBBOE President Diana Solis and the School Superintendent, Aubrey A. Johnson, Ed.D but that she has received no answers to her expressed concerns with the School situation. She said that officials continue to contradict themselves about the warehouse, i.e. one day they say there will be transportation provided for those who need it and the next day they say there

will not be transportation. She said that the place where they are planning to build a new school is contaminated and her worry is that the children will suffer health impacts. Ms. Hernandez spoke to her concerns regarding the need for children to have to cross a busy street with no traffic signs. She said that NB has had issues with a lack of adequate teaching staff and that the public is told that “there is no money” for that, but now they are now willing to throw away the \$22 million that was spent to remodel the School. She asked the Members to please look into this issue of great concern. She said that she is not here to just represent her child or herself but, rather, to speak for all the children and their parents who have been told to stay quiet and not voice their concerns. She thanked the Members.

Ms. Kelly asked Ms. Linda Stork to address the Board. Ms. Stork stated that she is very concerned with the situation at the NB School. She said that she is a mother and a longtime resident of NB who worked for the NBBOE for many years. She said that parents are being told that NB is not fully funded by the state and how the SDA has no money so that they should be bowing down to this wonderful opportunity. She said that the parents/others have been accused of being rumour mongers, adding that, in this case, the place where they intend to send our kids is in nobody’s neighborhood. She stated that the plan is to redevelop the industrial area but she has observed that redevelopment has only been for very high end housing, not for the parents of the 850 students who are going to their school in their neighborhood. She said that the latest they have heard on transportation for the children is that it would be provided to go to the warehouse but will not be offered once a new school is built. She stressed that the sites they have mentioned are not closer, adding that she knows grown men that have been jumped in the industrial area. She advised the Board that most of the industrial area consists of abandoned warehouses, that nobody lives there, and it is not a neighborhood. She noted that the public officials have retreated from this potential site a little because of all the publicity but, she added,

the parents have found out that this industrial area has been their plan all along and for a very long time. She said that they called a meeting the previous night, with only four (4) days notice, to change the Long Range Facilities Budget. Ms. Stork asked if the Members could give feedback about this situation. She said that when the SDA is looking at giving out money for schools, and the state is looking at how to make good with the funding formula, maybe they should consider that NB isn't trying hard enough with all the tax abatements they give away and deals they get into with private people.

Ms. Sorge asked if she could address the Members again for 30 seconds. She said that the School situation referenced by the previous speakers is the worst case of gentrification that she has ever seen. She said that the site upon which local officials are looking to build the new school is contaminated with asbestos, and we all know how dangerous that is. She noted that she has sent an OPRA request for all the information she can find. She said that she does not think that children should be in a situation where officials are hoping that a school can be built on contaminated ground with nobody knowing the full extent of the contamination. She also noted that the amount of years it would take to build the new school is unclear.

Ms. Kelly invited Sara Vidal to the podium. Ms. Linda Stork translated for Ms. Vidal. Ms. Vidal said that she lives in NB and is the mother of three children. She said she is here to talk about the School and the NBBOE. She said the NBBOE has not been working with the parents. She added that they have broken their promise that they would work with the parents i.e. this is not happening. She said that the public officials are acting in a despotic manner. She said they are making these decisions without talking to those who are affected. She said that this isn't right, that the parents pay their taxes and don't deserve to be treated like this. She said that parents are coming out and protesting but the NBBOE is not paying attention to them. Ms. Vidal

said she is hoping that the SDA Board can investigate this and make the public officials respect the public.

Adjournment

There being no further business to come before the Board, upon motion by the Vice Chairman and with unanimous consent, the meeting was adjourned.

Certification: The foregoing represents a true and complete summary of the actions taken by the Board of the New Jersey Schools Development Authority at its March 4, 2020 meeting.

/s/ Jane F. Kelly
Assistant Secretary

Resolution—4a.**Approval of Minutes**

WHEREAS, the By-Laws provide that the minutes of actions taken at meetings of the New Jersey Schools Development Authority be approved by the Authority's Board of Directors; and

WHEREAS, pursuant to Section 3(k) of P.L. 2007, Chapter 137, the minutes of the March 4, 2020 Board meeting of the New Jersey Schools Development Authority, for the Open Session were forwarded to the Governor on March 5, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the minutes of the New Jersey Schools Development Authority's March 4, 2020 Open Session meeting is hereby approved.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve same, in which case such action shall become effective upon such approval.

Dated: April 1, 2020

AUTHORITY MATTERS

CEO REPORT

CHAIRMAN'S REPORT

**REPORT AND RECOMMENDATIONS OF THE AUDIT COMMITTEE (CHAIRMAN'S
REPORT)**

**REPORT AND RECOMMENDATIONS OF THE SCHOOL REVIEW COMMITTEE
(CHAIRMAN'S REPORT)**

**CONSTRUCTION MANAGER AWARD - PERTH AMBOY SCHOOL DISTRICT -
PERTH AMBOY NEW HIGH SCHOOL - ET-0099-M01**



32 EAST FRONT STREET
P.O. BOX 991
TRENTON, NJ 08625-0991
609-858-5395

MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Director, Procurement

RE: District: Perth Amboy
School: New High School
Description: Construction Management Services
Package No.: ET-0099-M01
Estimated Fee: \$4,503,000
Award: \$4,180,920
Contractor: Terminal Construction Corporation and
Dinallo Construction Corporation, a Joint Venture

DATE: April 1 2020

SUBJECT: Construction Manager Award

INTRODUCTION

I am writing to recommend approval by the Members of the Authority of the award of a contract for Construction Management ("CM") Services. This contract is for services to manage the design-build construction of the New High School in the Perth Amboy School District.

Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, Board approval is required for the award of consultant contracts greater than \$100,000. Funding for this engagement is available within the Project Budget, in accordance with the Final Project Charter approved by the Members on November 6, 2019.

BACKGROUND

The New Perth Amboy High School project will consist of the construction of an approximately 576,000 SF building to educate approximately 2,800 students in grades 9 through 12.

On June 1, 2016, the Members of the Authority approved the Preliminary Project Charter, thereby approving construction of a new high school facility and related site development work on the District-owned Convery Boulevard site utilizing in-house design and a Design-Build delivery method.

On November 6, 2019, the Members of the Authority approved the Final Project Charter and the award of a Design-Build Construction contract to Terminal Construction Corporation and Dinallo Construction Corporation, a Joint Venture ("Terminal/Dinallo JV"). On November 26, 2019, Terminal/Dinallo JV was issued a Notice of Award for the construction of the New High School facility, and on January 6, 2020, Terminal/Dinallo JV received the Notice to Proceed for the design phase of the project.

Members of the Authority
 Package No. ET-0099-M01
 Perth Amboy New High School
 Construction Manager Award
 April 1, 2020
 Page 2

PROCUREMENT PROCESS

This package for CM Services was advertised as a “Price and Other Factors” solicitation beginning January 10 2020 on the NJSDA website, NJ State website, and in selected newspapers for interested firms to participate in the bidding process. In addition, the advertisement was distributed to those firms that are pre-qualified in the area of Construction Management (P029) by both the Department of Treasury-Division of Property Management and Construction and the NJSDA. For this procurement, price was weighted as 40% of the Final Combined Score, and all non-price factors were weighted as 60% of the Final Combined Score.

A Selection Committee consisting of five (5) NJSDA staff members was established.

Responsive proposals were received from nine (9) firms by February 13, 2020. Qualifications and Technical Proposals were evaluated by the Selection Committee. Evaluations were based upon the information provided by the firms in response to the Request for Qualifications and Proposals (“RFQ/RFP”) for this project. The committee members evaluated the Qualifications and Technical Proposals for Construction Management Services separately based on the following criteria:

- Responsive Firm’s CM Experience on Similarly Sophisticated Projects
- Staffing Proposal
- Key Team Members’ Experience on Similarly Sophisticated Projects

Each Selection Committee member evaluated each Qualifications and Technical Proposal, assigning a raw score for each criterion on a scale of 0 to 10 as follows:

- Outstanding (9-10): depth and quality of response offers significant advantages.
- Superior (7-8): exceeds RFQ/RFP requirements with no deficiencies.
- Sufficient (5-6): meets RFQ/RFP requirements with no significant deficiencies.
- Minimal (3-4): meets RFQ/RFP requirements but contains some significant deficiencies.
- Marginal (1-2): comprehends intent of RFQ/RFP but contains many significant deficiencies.
- Unsatisfactory (0): requirements not addressed and lack of detail precludes adequate evaluation.

Weighting factors were applied to each of the Selection Committee member’s raw scores for each criterion to arrive at a total weighted score as indicated in Table 1 below:

TABLE 1

Criteria	Weighting Factor (Applied to Raw Score)	Maximum Weighted Points
Responsive Firm’s CM Experience on Similarly Sophisticated Projects	2.0	20
Staffing Proposal	3.0	30
Key Team Members’ Experience on Similarly Sophisticated Projects	5.0	50
Total Possible Points		100

For each firm’s Qualifications and Technical Proposal, the individual criteria scores awarded by a particular Selection Committee member were added together to calculate a score for that Qualifications and Technical Proposal. The maximum score for a Qualifications and Technical Proposal is 100. All of the scores awarded by the Selection Committee members to a particular firm’s Qualifications and Technical Proposal were added together and averaged to arrive at a Final Qualifications and Technical Proposal Score for each firm. The responsive firms, their scores and rankings are listed in Table 2 below:

Members of the Authority
 Package No. ET-0099-M01
 Perth Amboy New High School
 Construction Manager Award
 April 1, 2020
 Page 3

TABLE 2

Firm	Final Qualifications and Technical Proposal Score	Qualifications and Technical Proposal Rank
Joseph Jingoli & Son, Inc.	82.00000	1
Cambridge Construction Management, Inc.	76.80000	2
CBRE Heery, Inc.	62.80000	3
Gilbane Building Company	61.80000	4
STV Construction, Inc.	56.80000	5
Epic Management, Inc.	56.00000	6
Hill International, Inc.	42.20000	7
AECOM Technical Services, Inc.	40.80000	8
Economic Project Solutions, Inc.	17.40000	9

The RFQ/RFP stipulated that a shortlist of the six (6) highest-ranked firms would be determined based on the Final Qualifications and Technical Proposal Scores. The shortlisted firms participated in interviews with the Selection Committee on March 6, 2020. The interviews allowed the firms to expand and detail their firm and team experience with respect to NJSDA requirements for construction management services. The Selection Committee interviewed each of the shortlisted firms and evaluated each firm on Interview Criteria and Weighting Factors that were the same as those used in the evaluation of the Qualifications and Technical Proposals, as detailed above.

The individual criteria scores awarded by a particular Selection Committee member were added together to calculate an Interview Score for that firm. The maximum Interview Score is 100. All of the Interview Scores awarded to a particular firm by the Selection Committee members were added together and averaged to arrive at a Final Interview Score for each firm. The shortlisted firms, their scores and rankings are listed in Table 3 below:

TABLE 3

Firm	Final Interview Score	Interview Rank
Joseph Jingoli & Son, Inc.	83.60000	1
Cambridge Construction Management, Inc.	76.20000	2
Gilbane Building Company	71.20000	3
Epic Management, Inc.	56.60000	4
STV Construction, Inc.	50.80000	5
CBRE Heery, Inc.	49.60000	6

The Final Interview Score for each shortlisted firm was added to the Final Qualifications and Technical Proposal Score for each such firm, and the two scores were averaged to arrive at a Non-Price Score for each shortlisted firm. The maximum Non-Price Score is 100. The shortlisted firms, their scores and rankings are listed in Table 4 below:

Members of the Authority
 Package No. ET-0099-M01
 Perth Amboy New High School
 Construction Manager Award
 April 1, 2020
 Page 4

TABLE 4

Firm	Non-Price Score	Non-Price Rank
Joseph Jingoli & Son, Inc.	82.80000	1
Cambridge Construction Management, Inc.	76.50000	2
Gilbane Building Company	66.50000	3
Epic Management, Inc.	56.30000	4
CBRE Heery, Inc.	56.20000	5
STV Construction, Inc.	53.80000	6

Once all the Non-Price Scores for all shortlisted firms were calculated, the NJSDA opened the sealed Price Proposals and reviewed them for responsiveness. The Price Proposals were publicly opened on March 10, 2020 and the bids were read aloud as required by law.

The lowest responsive Price Proposal was awarded the maximum number of points for the price component, which is 100. All other Price Proposals were awarded points based on the percentage that each proposal exceeded the lowest bid.

The results of the NJSDA's review and scoring of the Price Proposals are listed in Table 5 below:

TABLE 5

Firm	Bid Price	Price Score	Price Rank
Cambridge Construction Management, Inc.	\$4,180,920.00	100.00000	1
CBRE Heery, Inc.	\$4,449,710.00	93.57103	2
Joseph Jingoli & Son, Inc.	\$5,020,300.00	79.92356	3
STV Construction, Inc.	\$5,184,267.84	76.00175	4
Gilbane Building Company	\$5,276,476.00	73.79629	5
Epic Management, Inc.	\$5,341,054.00	72.25171	6

After the Price Scores were determined for all shortlisted firms, the Price Scores were adjusted by a weighting factor of 40%. The Non-Price Scores for "Other Factors" criteria were adjusted by a weighting factor of 60%. The Price Score and Non-Price Score for each shortlisted firm were added together for a Final Combined Score. The maximum Final Combined Score is 100. The Final Combined Scores and Final Rankings are listed in Table 6 below:

TABLE 6

Firm	Raw Non-Price Score	Raw Price Score	Weighted Non-Price Score (60%)	Weighted Price Score (40%)	Final Combined Score	Final Rank
Cambridge Construction Mgmt.	76.50000	100.00000	45.90000	40.00000	85.90000	1
Joseph Jingoli & Son, Inc.	82.80000	79.92356	49.68000	31.96942	81.64942	2
CBRE Heery, Inc.	56.20000	93.57103	33.72000	37.42841	71.14841	3
Gilbane Building Company	66.50000	73.79629	39.90000	29.51852	69.41852	4
STV Construction, Inc.	53.80000	76.00175	32.28000	30.40070	62.68070	5
Epic Management, Inc.	56.30000	72.25171	33.78000	28.90068	62.68068	6

Members of the Authority
Package No. ET-0099-M01
Perth Amboy New High School
Construction Manager Award
April 1, 2020
Page 5

The highest ranked firm was Cambridge Construction Management, Inc. (“Cambridge”).

The bid submitted by Cambridge was less than the NJSDA estimate, at a difference less than 10%. In order to ensure the firm’s Price Proposal was inclusive of all scope elements, a conference was conducted on March 13, 2020 with Cambridge and staff from Procurement, Construction Operations, Program Operations and Financial Operations to review the bid. The NJSDA staff reviewed with Cambridge the assignment of staff during the construction and closeout phases of the contract as well as all other cost proposal items. Cambridge confirmed that required staff will satisfy the full time nature and responsibilities of the assignment and for the required durations during both phases as per requirements of the contract. Cambridge recognized that it intentionally submitted a very competitive proposal, reinforcing that the proposal included all costs. In summary, Cambridge assured the NJSDA to the satisfaction of staff that its proposal was complete.

The Construction Operations Director and the Financial Operations Director recommend award of the project to Cambridge Construction Management, Inc.

RECOMMENDATION

The Members of the Authority are requested to approve the award of a contract to the firm with the highest Final Combined Score, Cambridge Construction Management, Inc., in the amount of \$4,180,920 for Construction Management Services for the New High School project located in the Perth Amboy School District.

Prior to execution of the contract, the contract and related documentation will be reviewed and approved by the NJSDA Division of Chief Counsel.

/s/ Sean Murphy
Sean Murphy
Director, Procurement

Reviewed and Recommended by: Manuel Da Silva, Chief Executive Officer

Reviewed and Recommended by: Andrew Yosha, Vice President, Program Operations and Strategic Planning

Reviewed and Recommended by: Donald Guarriello, Vice President and Chief Financial Officer

Reviewed and Recommended by: Gregory Voronov, Managing Director, Planning and Program Operations

Reviewed and Recommended by: Joseph Lucarelli, Director, Construction Operations

Reviewed and Recommended by: Robert Carney, Director, Financial Operations

Resolution—7a.

Construction Manager Award

District:	Perth Amboy
School:	New High School
Description:	Construction Management Services
Package No.:	ET-0099-M01
Estimated Fee:	\$4,503,000
Award:	\$4,180,920
Contractor:	Terminal Construction Corporation and Dinallo Construction Corporation, a Joint Venture

7

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority approve the award of consultant contracts at a cost greater than \$100,000; and

WHEREAS, the New Perth Amboy High School project (Project) will consist of the construction of an approximately 576,000 square foot building to educate approximately 2,800 students in grades 9 through 12; and

WHEREAS, on June 1, 2016, the Members of the Authority approved the Project's preliminary charter, thereby approving construction of the Project and related site development work on the district-owned Convery Boulevard site, utilizing in-house design and a design-build delivery method; and

WHEREAS, on January 10, 2020, a package for construction management (CM) services was advertised as a "price and other factors" procurement with price weighted as 40% and all non-price factors having a combined weight of 60% of the final combined score; and

WHEREAS, upon completion of the procurement process, the construction operations director and financial operations director recommend award of the CM services contract for the Project in the amount of \$4,180,920 to Cambridge Construction Management, Inc. (Cambridge); and

WHEREAS, the details of the CM services procurement process conducted by management are comprehensively set forth in the memorandum presented to the Board on this date; and

WHEREAS, subsequent to completion of the procurement process and a determination of the recommended awardee, SDA received notice regarding the filing of a bid protest by one separate bidder in the process; and

WHEREAS, this bid protest is pending review and a final determination by the SDA Chief Financial Officer in consultation with the SDA Division of Chief Counsel; and

WHEREAS, upon review, Cambridge has confirmed that its price proposal is inclusive of all scope elements contained in the contract documents; and

WHEREAS, prior to execution of the contract, the contract and related documentation would be reviewed and approved by the SDA Division of Chief Counsel; and

WHEREAS, execution of the contract with Cambridge shall not proceed until a final determination is made by the Authority with regard to the bid protest that has been filed.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the award of a contract to the firm with the highest final combined score, Cambridge Construction Management, Inc. in the amount of \$4,180,920 for construction management services for the new Perth Amboy High School project in the Perth Amboy School District.

BE IT FURTHER RESOLVED, that execution of the contract with Cambridge Construction Management, Inc. shall not proceed until a final determination is made by the Authority with regard to the bid protest that has been filed in this matter.

BE IT FURTHER RESOLVED, that prior to execution of the contract, the contract and related documentation will be reviewed and approved by the SDA Division of Chief Counsel.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve same, in which case such action shall become effective upon such approval.

Attached: Memorandum, Construction Manager Award, (Package No. ET-0099-M01), Perth Amboy School District, Perth Amboy New High School, dated April 1, 2020

Dated: April 1, 2020

**APPROVAL OF AWARDS - DESIGN CONSULTANT SERVICES FOR LIMITED-
SCOPE PROJECTS - GP-0263-R01**



STATE OF NEW JERSEY

SCHOOLS DEVELOPMENT AUTHORITY32 EAST FRONT STREET
P.O. BOX 991
TRENTON, NJ 08625-0991
609-943-5955**MEMORANDUM**

TO: Members of the Authority

FROM: Sean Murphy
Director, Procurement

RE: District: Statewide
Description: Design Consultant Services for Limited-Scope Projects
Package No.: GP-0263-R01
Estimated Fee: \$60,000,000 (aggregate Not-to-Exceed amount)

DATE: April 1, 2020

SUBJECT: Approval of Awards for Design Consultant Services

INTRODUCTION

The contract term, aggregate not-to-exceed amount, and the recommended Board actions detailed below are consistent with those approved by the Members on April 5, 2017 for the preceding procurement action for Design Consultant Services (Package No. GP-0238-R01) which will be expiring on June 19, 2020.

The Authority is requesting the Members' approval to award contracts to a new pool of twenty firms for Design Consultant Services that will provide viable, cost effective solutions for projects throughout the NJSDA Districts involving emergent facilities conditions, capital improvement needs, or other limited-scope tasks. Through these twenty engagements resulting from a competitive procurement process, the NJSDA will have available a pool of Design Consultants to permit expedited assignment or competitive selection and award of Task Orders on an as-needed basis for time-sensitive, limited-scope projects (e.g., design for renovation of existing school facilities; design for repair of emergent conditions; provision of commissioning services; and design for post-construction correction of defective conditions) requiring predesign, design and/or construction administration services. This contract will not be used to engage a design professional for the complete design of a new school facilities project. Each of the twenty contracts will individually have a not-to-exceed amount of \$3,000,000. The Term of each Agreement shall extend for a period of three years or until all obligations of the Design Consultant to deliver services pursuant to any existing Task Order have been performed to the satisfaction of the Authority, whichever is later.

We are also requesting that the Members of the Authority approve the issuance of individual Task Order assignments, including the subsequent amendment or modification of such Task Orders, by staff under this engagement to allow for expeditious advancement of projects to address emergent conditions at school facilities, capital improvement projects, and other NJSDA design needs with the exception of complete design of new facilities.

Task Orders may be awarded pursuant to several methods:

1. Rotational assignment to pool members; or
2. Advertisement to all pool members, for Task Order award based on a competitive selection of the proposal most advantageous to the NJSDA based upon considerations of cost, efficiency and approach; or
3. Solicitation of proposals from up to six randomly selected pool participants, for Task Order award to the proposal most advantageous to the NJSDA based upon considerations of cost, efficiency and approach.

Members of the Authority
 Package No. GP-0263-R01
 Design Consultant Services for Limited-Scope Projects
 Approval of Awards
 April 1, 2020
 Page 2

Further we are requesting that the Members approve the delegation of authority to NJSDA staff and the Chief Executive Officer to execute individual Project Planning Charters for the projects for which design services will be assigned through these Task Orders. Assignments under this engagement are anticipated to include primarily emergent projects with construction costs that may range from \$50,000 up to \$3 million per school facility, capital improvement projects with construction costs potentially greater than \$3 million per school facility, and other types of projects with cost levels similar to emergent projects. Fees for any given Task Order assignment will be based upon established hourly rates, as determined by the NJSDA and as set forth in the RFP, or as a lump-sum fee consistent with the established hourly rates. The award of any related construction contract necessary to appropriately address the emergent or other condition will be subject to Operating Authority approval.

PROCUREMENT PROCESS

In accordance with NJSDA regulations, the NJSDA employed a single-step process for this procurement. The Request for Proposals (“RFP”) was advertised beginning on December 23, 2019 on the NJSDA website, on the New Jersey State website, and in selected newspapers for interested firms to participate in the bidding process. Outreach was also performed via e-mail.

The solicitation required interested firms to submit a Technical Proposal. Responsive Technical Proposals were received by February 3, 2020 from twenty-eight firms. The Technical Proposal provided information regarding the firm’s past experience and qualifications as well as the firm’s approach to certain core tasks, budgeting and scheduling.

A Selection Committee consisting of five NJSDA staff members and one alternate evaluated the responses to the RFP. The evaluations were based upon the information provided by the firms in response to the RFP for this engagement. The Selection Committee members independently evaluated the responses submitted for Design Consultant Services based on the following criteria:

- Firm’s Design Consultant Experience
- Firm’s Approach to Pre-Design Investigation and Development of Cost Effective Alternatives
- Firm’s Approach to Control of Budget and Schedule

Each Selection Committee member evaluated each Technical Proposal with respect to each criterion on a scale of 0 to 10 as follows:

- Outstanding (9-10): depth and quality of response offers significant advantages
- Superior (7-8): exceeds RFP requirements with no deficiencies
- Sufficient (5-6): meets RFP requirements with no significant deficiencies
- Minimal (3-4): meets RFP requirements but contains some significant deficiencies
- Marginal (1-2): comprehends intent of RFP but contains many significant deficiencies
- Unsatisfactory (0): requirements not addressed and lack of detail precludes adequate evaluation

Weighting factors were then applied to each of the Selection Committee member’s raw scores for each criterion to arrive at a total weighted score as indicated in Table 1 below:

Members of the Authority
 Package No. GP-0263-R01
 Design Consultant Services for Limited-Scope Projects
 Approval of Awards
 April 1, 2020
 Page 3

Criteria	Weighting Factor (Applied to Raw Score)	Maximum Weighted Points
Firm's Design Consultant Experience	4.0	40
Firm's Approach to Pre-Design Investigation and Development of Cost Effective Alternatives	3.0	30
Firm's Approach to Control of Budget and Schedule	3.0	30
Total Possible Points		100

All of the scores awarded by the Selection Committee members to a particular firm's Technical Proposal were added together and averaged to arrive at a Technical Proposal Score for each firm. The maximum Technical Proposal Score is 100. The Final Technical Scores and Final Technical Rankings are listed in Table 2 below:

Firm	Final Technical Score	Final Technical Rank
USA Architects, Planners + Interior Designers, Ltd	83.400	1
Clarke Caton Hintz, PC	77.000	2
Paulus, Sokolowski & Sartor Engineering, PC	76.600	3
Design Ideas Group Architecture + Planning, LLC	75.400	4
RSC Architects	70.400	5
ThinkForm Design Architect, LLC	69.800	6
OCA Architects, Inc.	68.000	7
Design Resources Group, Architects, AIA, Inc.	67.200	8
The Musial Group	66.600	9
Mount Vernon Group Architects, Inc.	66.400	10
Manders Merighi Portadin Farrell Architects, LLC	65.200	11
The Design Collaborative, Architects and Planners	64.800	12
Lan Associates, Engineering, Planning, Architecture, Surveying, Inc.	64.000	13
SSP Architectural Group, Inc.	62.000	14
DMR Architects, PC	61.400	15
Feitlowitz & Kosten Architects, PA dba FKA Architects	60.800	16
Regan Young England Butera, PC	60.200	17
Becica Associates, LLC	59.400	18
Parette Somjen Architects, LLC	59.400	18
Environetics Group Architects, PC	55.200	20
The Montoro Architectural Group	52.400	21
AECOM Architects & Engineers (NJ), Inc.	52.200	22
Netta Architects, LLC	51.200	23
CDI Architects Group LLC dba L.R. Kimball - Architecture	49.600	24
Hubbard Associates dba Settembrino Architects	47.600	25
John Ciardullo, PC	47.000	26
Lammey & Giorgio, P.A.	41.800	27
TBS Services, Inc.	33.400	28

Members of the Authority
Package No. GP-0263-R01
Design Consultant Services for Limited-Scope Projects
Approval of Awards
April 1, 2020
Page 4

RECOMMENDATION

The Members are requested to approve:

1. The award of contracts to the top twenty most highly-ranked firms, as listed in Table 2 above;
2. The issuance of individual Task Order assignments by NJSDA staff under this engagement;
3. The amendment or modification of individual Task Order assignments by NJSDA staff under this engagement; and
4. The delegation of authority to NJSDA staff and the Chief Executive Officer to execute individual Project Planning Charters for the projects for which design services will be assigned under this engagement.

Prior to the execution of each contract, the contract and related documentation will be reviewed and approved by the NJSDA Division of Chief Counsel.

/s/ Sean Murphy
Sean Murphy
Director, Procurement

Reviewed and Recommended by: Manuel Da Silva, Chief Executive Officer

Reviewed and Recommended by: Andrew Yosha, Vice President, Program Operations and Strategic Planning

Reviewed and Recommended by: Donald Guarriello, Vice President and Chief Financial Officer

Resolution—7b.

Approval of Awards

District:	Statewide
Description:	Design Consultant Services for Limited-Scope Projects
Package No:	GP-0263-R01
Estimated Fee:	\$60,000,000 (aggregate Not-to-Exceed amount)

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) provides that the Members of the Authority shall approve task order contracts to consultants and contractors; and

WHEREAS, SDA executive management and associated program staff recommend that the Members approve the award of contracts to twenty (20) firms listed in the memorandum presented to the Board on this date for design consultant services that will provide viable, cost effective solutions for projects throughout SDA Districts involving emergent facilities conditions, capital improvement needs, or other limited scope tasks; and

WHEREAS, these twenty (20) engagements, resulting from a competitive procurement process as described in the memorandum presented to the Board on this date, will provide a pool of design consultants from which SDA staff is authorized to assign task orders on an as-needed basis for time-sensitive, limited-scope projects requiring predesign, design and/or construction administration services and to amend or modify the same as deemed necessary; and

WHEREAS, it is necessary and appropriate that the SDA Chief Executive Officer and staff effectuate execution of individual project planning charters for the projects for which design services will be assigned through these task orders; and

WHEREAS, prior to the execution of each contract, the contract and related documentation will be reviewed and approved by the SDA Division of Chief Counsel; and

WHEREAS, the terms and provisions of the contracts to be awarded, the details of the competitive procurement process and the proposed methodologies to be utilized in award of the task orders are comprehensively set forth in the memorandum presented to the Board on this date and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the award of contracts to twenty firms for design consultant services as set forth in the memorandum presented to the Board on this date.

BE IT FURTHER RESOLVED, that the Members of the Authority authorize the issuance and, as needed, the subsequent amendment or modification, of individual task order assignments by SDA staff under this engagement and the delegation of authority to the SDA Chief Executive Officer and staff to execute individual project planning charters for the projects for which design services will be assigned under this engagement.

BE IT FURTHER RESOLVED, that, prior to the execution of each contract, the contract and related documentation will be reviewed and approved by the SDA Division of Chief Counsel.

BE IT FURTHER RESOLVED, this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve same, in which case such action shall become effective upon such approval.

Attached: Memorandum, Design Consultant Services for Limited-Scope Projects (Package No. GP-0263-R01), dated April 1, 2020

Dated: April 1, 2020

**PROPOSED NEW RULES FOR OPRA COMPLIANCE: NOTICE OF PROPOSAL -
REQUESTS FOR ACCESS TO GOVERNMENT RECORDS, N.J.A.C. 19:33**



MEMORANDUM

TO: Members of the Authority

FROM: Jane Kelly, Vice President, Corporate Governance and Legal Affairs
Cecelia Haney, Deputy Chief Counsel and Administrative Practice Officer

DATE: April 1, 2020

RE: Proposed New Rules for OPRA compliance: Notice of Proposal – Requests for Access to Government Records, N.J.A.C. 19:33

Management of the New Jersey Schools Development Authority (“Authority” or “SDA”) is seeking the approval of the Board for the publication of a Notice of Proposal for New Rules for Requests for Access to Government Records, N.J.A.C. 19:33.

The Rules establish requirements and procedures for a process by which members of the public can seek access to government records made, maintained or kept on file by the SDA, consistent with the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq. OPRA requires that government records be readily accessible for inspection, copying or examination by members of the public unless exempt by law or regulation. However, the law also calls upon a public agency to identify categories of documents to be safeguarded from public access to the extent such documents contain personally identifiable information entrusted to the public entity, and disclosure would violate the member of the public’s reasonable expectation of privacy, or such documents contain privileged or deliberative information, or contain information regarding building safety, security and other systems that, if openly disclosed, could affect the safety and security of members of the public utilizing such buildings. The proposed rules codify categories of such documents to be exempted from disclosure under OPRA.

Subchapter 1 of the proposed new rules establishes the process to be followed by members of the public who seek access to government records made, maintained, kept on file, or received in the ordinary course of business by the SDA. The new rules establish that the Chief Executive Officer of the SDA will designate a person to be the SDA Records Custodian, who shall be responsible for responding to requests directed to the SDA for access to government records held or maintained by SDA. The rules reiterate the OPRA requirement that all requests for access to government records under OPRA must be submitted in writing and may be submitted on a form approved by the SDA. The requestor will be required to provide certain information in the written request, including: a description of the specific, identifiable government record sought; the method of access requested (inspection or copies); the format in which the requested documents are to be

provided (e.g., electronic or hard-copy); the preferred mode of delivery (e.g., email or electronic access, mail, or in-person); a certification that the requestor has not been convicted of an indictable offense under the laws of the State of New Jersey, any other state, or of the United States; the maximum cost the requestor has authorized to pay; and the date of submission of the request. The rules provide that a request form shall be available on the SDA's website, and that copies of the form shall be available at the office of the SDA's records custodian.

The new rules provide that written requests must be addressed or directed to the SDA's records custodian, and may be hand-delivered during normal business hours, mailed, faxed, or transmitted electronically via electronic mail. The rules provide that a written request must be delivered to the SDA's records custodian in order to trigger the time deadlines for response specified by OPRA, and indicate that sending a records request to the wrong officer or employee may result in a delay of the fulfillment of the request.

The rules provide that the Records Custodian may deny a request that is unclear or incomplete. The rules specify that the records custodian shall charge for the production of copies, in accordance with the rates set forth in OPRA. However, in actual practice most OPRA requests seek electronic copies of records, for which no fee is charged. In the event the actual cost for reproduction of a government record exceeds the rates set by OPRA, the records custodian is permitted to charge the actual costs of reproducing the record. Further, the new rules specify that the Records Custodian may charge a special service charge whenever the nature, format, manner of collation, or volume of a government record or records to be inspected, examined or reproduced is such that the record or records cannot be reproduced by ordinary document copying equipment in ordinary business size, or otherwise requires an extraordinary expenditure of time and effort to accommodate the request.

The new rules recognize that under OPRA, no fee may be charged for merely inspecting or examining a government record (without requesting actual copies), except when a special service charge is permitted; or when redaction or copying of government records is necessary; and/or when an employee is required to monitor the inspection of original records during an on-site inspection. The new rules provide that if a request for access to government records would substantially disrupt SDA operations, the records custodian may deny access to the record after attempting to reach a reasonable resolution with the requestor.

The new rules provide a response time consistent with OPRA, such that the records custodian shall respond to a request within seven business days after the custodian's receipt of a complete request, or within such additional time as may be allowed by law or as agreed to by the requestor. A failure to respond to a request is deemed a denial, except where the requestor has not provided contact information.

The new rules provide that the default method for production of copies of a record is in printed form on business-sized paper, in the format in which the document is maintained, unless the requestor requests production of the record in a specific medium. If the record is normally maintained in the requested medium, then the record will be provided in such medium. If the SDA does not maintain the record in the requested medium, the records custodian shall convert the

record to the medium requested if reasonable or provide a copy in another medium that the requestor finds meaningful -- presumably a medium that the requestor can access, read or otherwise use. The records custodian may assess a special charge for production in a requested medium if the requested medium is not one routinely used by the SDA, or which would require substantial amount of manipulation or programming of information technology to fulfill. The special charge will be based upon the cost of the use of information technology or the cost of labor required for programming, and/or for clerical and supervisory assistance. The requestor may object to the special charge, and the records custodian will attempt to reach a reasonable resolution of that objection, but if after attempting to resolve the objection the requestor continues to object to the charge and refuses to withdraw or modify the request, the records custodian may deny the request.

Subchapter 2 of the proposed new rules defines certain categories of documents that are excepted from disclosure under OPRA due to the privileged or confidential nature of the documents themselves, or due to the inclusion of personally identifiable information that, if disclosed, could cause physical or financial harm to the identified individuals, or due to the inclusion of security or logistical information regarding school facility structures that, if disclosed, could affect the safety and security of students, teachers, administrators or other occupants of such buildings.

The proposed new rules provide that, in addition to records designated as confidential pursuant to OPRA and other applicable state and federal sources of law, the following categories of documents are designated as confidential and not subject to disclosure under OPRA:

- Portions of records containing advisory, consultative or deliberative information or otherwise protected by a recognized privilege;
- Records relating to mediation or alternative dispute regulation (ADR) proceedings, except that final agreements resulting from mediation or ADR proceedings shall be accessible under OPRA;
- Notes of mediators or other persons participating in ADR proceedings involving the SDA;
- Portions of records containing personally identifiable information such as: social security numbers; home addresses; personal telephone numbers and email addresses; medical or psychological history, diagnosis, treatment or evaluation; and financial, credit or tax return information;
- Other information regarding individuals, the disclosure of which might reasonably be expected to endanger the safety of any person;
- Notices, orders, reports and decisions not yet served on the interested party;
- Unapproved minutes of public meetings;
- Minutes of closed sessions of public meetings, until the issues discussed in closed session are resolved or completed, or until the rationale for the closed session is no longer applicable;
- Documents relating to pending contract negotiations, proposed change orders, or pending contract claims, until such time that the relevant contract negotiation, change order or contract

claim is resolved through a final agreement, is withdrawn, or is otherwise terminated or finally adjudicated;

- Plans and specifications for any school facilities project whether construction of such facility is completed, including drawings, diagrams, renderings or plans of various types, specifications photographs or operational and maintenance manuals, showing: critical systems or infrastructure; operational parameters or vulnerabilities of critical systems or equipment; emergency or security information or procedures; alarm, security or video surveillance systems; locking or access devices; or security cameras for any building or structure included in or ancillary to a school facilities project; or
- any other documents that could assist individuals or entities that wish to do harm to the occupants of school buildings.

Requested Board Action

The Members of the Authority are requested to approve the promulgation and publication of the proposed New Rules, as well as the issuance of the attached Notice of Proposal, and the filing of the Notice with the Office of Administrative Law.

/s/ Jane F. Kelly
Jane F. Kelly, Vice President
Corporate Governance & Legal Affairs

Prepared by Cecelia Haney, Deputy Chief Counsel and Administrative Practice Officer

JFK/ceh

OTHER AGENCIES

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Requests for Access to Government Records

Proposed New Rules: N.J.A.C. 19:33-1.1 through 2.2.

Authorized By: New Jersey Schools Development Authority, Manuel M. DaSilva, Chief Executive Officer.

Authority: P.L. 2007, c.137, § 4k (N.J.S.A. 52:18A-238k) (rulemaking authority); P.L. 2000, c. 72 (N.J.S.A. 18A:7G-1 et seq.); P.L. 2007, c.137, (N.J.S.A. 52:18A-235 et seq.) (enabling statutes); N.J.S.A. 47:1A-1 et seq. (Open Public Records Act).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2020-

Submit written comments by _____ 2020 to:

Cecelia Haney, Administrative Practice Officer

New Jersey Schools Development Authority

PO Box 991

Trenton, NJ 08625-0991

The agency proposal follows:

Summary

The New Jersey Schools Development Authority, (“SDA” or “Authority”) an independent state authority charged with the construction and funding of school facilities projects pursuant to a

school construction program authorized by the Educational Facilities Construction and Financing Act (“EFCFA”, P.L. 2000, c. 72, N.J.S.A. 18A:7G-1 et seq., as amended by P.L. 2007, c. 137, N.J.S.A. 52:18A-235 et seq.), proposes new rules governing the process for requesting government documents from the SDA under the Open Public Records Act (OPRA), P.L. 2001 c. 404 (N.J.S.A. 47:1A-1 et seq.) and defining certain categories of documents exempted from disclosure under OPRA. The proposed new rules would be codified as Title 19, Subchapter 33.

As the Authority has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Subchapter 1 of the proposed new rules establishes the process to be followed by members of the public who seek access to government records made, maintained, kept on file, or received in the ordinary course of business by the SDA. Subchapter 2 of the proposed new rules defines certain categories of documents that are excepted from disclosure under OPRA. A description of the proposed regulations follows.

SUBCHAPTER 1

Proposed new N.J.A.C. 19:33-1.1 states the scope and applicability of the new rules. The new rules govern government record requests submitted to the New Jersey Schools Development Authority.

Proposed new N.J.A.C. 19:33-1.2 provides that the Chief Executive Officer of the SDA will designate a person to be the SDA Records Custodian. The records custodian shall be responsible

for responding to requests directed to the Authority, for access to government records. The contact information for the Records Custodian shall be made available to the public on the SDA's website.

Proposed new N.J.A.C. 19:33-1.3 provides that all requests for access to government records under OPRA must be submitted in writing on a form approved by the SDA or in a written document that includes the information specified in subsection (b). The requestor will be required to provide certain information in the written request. Among other things, the required information would include: a description of the specific, identifiable government record sought; the method of access requested (inspection or copies); the format in which the requested documents are to be provided (e.g., electronic or hard-copy); the preferred mode of delivery (e.g., email or electronic access, mail, or in-person); a certification that the requestor has not been convicted of an indictable offense under the laws of the State of New Jersey, any other state, or of the United States; the maximum cost the requestor has authorized to pay; and the date of submission of the request. The requestor's certification concerning conviction of an indictable offense is required to ensure compliance with the provision of the law that prohibits a person convicted of an indictable offense under the laws of this or any other state, or the United States, from receiving personal information concerning the victim of the offense, or the victim's family as provided in N.J.S.A. 47:1A-2.2. A request form is available on the SDA's website, and copies of the form are available at the office of the SDA's records custodian.

Proposed new N.J.A.C. 33:1.4 establishes the procedure for submitting requests for access to government records under OPRA. Written requests shall be addressed or directed to the SDA's records custodian, and may be hand-delivered during normal business hours, mailed, faxed, or transmitted electronically via electronic mail. A written request for access to government records

that is addressed to the SDA records custodian and mailed or delivered to the SDA's main address will constitute delivery to SDA's records custodian. A written request must be delivered to the SDA's records custodian in order for the request to be considered filed, and thereby trigger the requirements of OPRA. Sending a records request to the wrong officer or employee may result in a delay of the fulfillment of the request. If the request is delivered to an SDA employee other than the records custodian, the employee shall advise the requestor that he or she is not authorized to accept the request and shall direct the requestor to the records custodian.

The custodian shall review the request for clarity and completeness, and may deny a request that is unclear or incomplete. The records custodian will estimate the costs of providing the record, in accordance with the rates set forth in N.J.S.A. 47:1A-5, and shall require the prepayment of the estimated sum. A request is not complete until the required deposit is received by the records custodian. In the event the actual cost for reproduction of a government record exceeds the rates set by N.J.S.A. 47:1A-5, the records custodian is permitted to charge the actual costs of reproducing the record. The custodian will provide the requestor with a copy of the signed and dated written request, with the estimated fee and tracking number indicated.

The custodian may charge a special service charge whenever the nature, format, manner of collation, or volume of a government record or records to be inspected, examined or reproduced is such that the record or records cannot be reproduced by ordinary document copying equipment in ordinary business size, or otherwise requires an extraordinary expenditure of time and effort to accommodate the request. The custodian will charge an additional fee representing the cost of postage or delivery, if applicable. The custodian will not provide access to, or copies of, the

requested records until the custodian has received payment in full of all costs and fees associated with the request. The custodian can deny a request for failure or refusal to pay the required fees. No fee may be charged for inspecting or examining a government record, except: 1) when a special service charge is permitted; 2) when redaction or copying of government records is necessary; and/or 3) when an employee is required to monitor the inspection of original records during an on-site inspection. If a request for access to government records would substantially disrupt SDA operations, the records custodian may deny access to the record after attempting to reach a reasonable resolution with the requestor.

Proposed new N.J.A.C. 19:33-1.5 provides that the custodian will notify the requestor when the records are available and will collect all fees and charges due from the requestor prior to delivery of copies or providing access to records.

Proposed new N.J.A.C. 19:33-1.6 provides that, except where otherwise provided by law or these regulations, the records custodian shall respond to a request within seven business days after the custodian's receipt of a complete request, or within such additional time as may be allowed by law or as agreed to by the requestor. A failure to respond to a request is deemed a denial, except where the requestor has not provided contact information. In such a case, the records custodian is not required to respond until seven business days after the requestor reappears seeking a response to the request.

Proposed new N.J.A.C. 19:33-1.7 provides that if a requested record is in storage or unavailable because it is in active use, the custodian shall so advise the requestor within seven business days from receipt of the request, and will advise the requestor of the date when the record will be made

available. If the record is not made available by the identified date, the request shall be deemed denied.

Proposed new N.J.A.C. 19:33-1.8 provides that copies of a record will be provided in printed form on business-sized paper, in the format in which the document is maintained, unless the requestor requests production of the record in a specific medium. If the record is normally maintained in the requested medium, then the record will be provided in such medium. If the SDA does not maintain the record in the requested medium, the records custodian shall convert the record to the medium requested if reasonable or provide a copy in another medium that the requestor finds meaningful - - presumably a medium that the requestor can access, read or otherwise use. The records custodian may assess a special charge for production in a requested medium if the requested medium is not one routinely used by the SDA, or which would require substantial amount of manipulation or programming of information technology to fulfill. The special charge will be based upon the cost of the extensive use of information technology or the cost of labor required for programming, clerical and supervisory assistance. The requestor may object to the special charge, and the records custodian will attempt to reach a reasonable resolution of that objection, but if after attempting to resolve the objection the requestor continues to object to the charge and refuses to withdraw the request, the records custodian may deny the request.

Proposed new N.J.A.C. 19:33-1.9 addresses the computation of time for request deadlines. Consistent with statutes, court rules and case law, this section provides that in computing time periods for granting access, the day the completed request is received is not counted, but the last day of the period so computed shall be included. This section also reiterates that a request is not

complete until the requestor provides the information required by proposed new section 1.3(b), and pre-pays all fees required by OPRA and this subchapter.

Proposed new N.J.A.C. 19:33-1.10 addresses the computation of fees for requests under OPRA, and refers to the allowable fees listed in the OPRA statute at N.J.S.A. 47:1A-5b. There is no cost for the emailing of records. This section further provides that the labor portion of any special service charges as described elsewhere in these rules shall be based on the hourly rate of the lowest-paid qualified employee performing the services in question.

Proposed new N.J.A.C. 19:33-1.11 provides that to the extent that records of the SDA are held by the Records Management Service of the Division of Revenue and Enterprise Services (DORES) in the Department of the Treasury, such records shall remain the property of the SDA and can only be accessed by a request submitted to SDA. By contrast, if the record has reached an age at which it was required to be sent to the State Archives and was sent to the State Archives for storage, that record has become the property of the State Archives and can only be accessed through a request submitted directly to the State Archives.

Proposed new N.J.A.C. 19:33-1.12 provides that where a requestor fails to pay required fees, fails to pick up or schedule delivery of requested records, or fails to schedule or keep an appointment to inspect the requested records within 45 days of the issuance of an OPRA response by the records custodian to the requestor, the request shall be administratively closed upon notice to the requestor, and the requestor shall remain liable for all costs and fees associated with the request, despite its administrative closure.

SUBCHAPTER 2

Proposed new N.J.A.C. 19:33-2.1 addresses the applicability of the subchapter to the SDA.

Proposed new N.J.A.C. 19:33-2.2 provides that, in addition to records designated as confidential pursuant to OPRA and other applicable state and federal sources of law, the following categories of documents are designated as confidential and not subject to disclosure under OPRA:

- Portions of records containing advisory, consultative or deliberative information or otherwise protected by a recognized privilege;
- Records relating to mediation or alternative dispute regulation (ADR) proceedings, except that final agreements resulting from mediation or ADR proceedings shall be accessible under OPRA;
- Notes of mediators or other persons participating in ADR proceedings involving the SDA;
- Portions of records containing personally identifiable information such as: social security numbers; home addresses; personal telephone numbers and email addresses; medical or psychological history, diagnosis, treatment or evaluation; and financial, credit or tax return information;
- Other information regarding individuals, the disclosure of which might reasonably be expected to endanger the safety of any person;
- Notices, orders, reports and decisions not yet served on the interested party;
- Unapproved minutes of public meetings;
- Minutes of closed sessions of public meetings, until the issues discussed in closed session are resolved or completed, or until the rationale for the closed session is no longer applicable;

- Documents relating to pending contract negotiations, proposed change orders, or pending contract claims, until such time that the relevant contract negotiation, change order or contract claim is resolved through a final agreement, is withdrawn, or is otherwise terminated or finally adjudicated;
- Plans and specifications for any school facilities project whether construction of such facility is completed, including drawings, diagrams, renderings or plans of various types, specifications photographs or operational and maintenance manuals, showing: critical systems or infrastructure; operational parameters or vulnerabilities of critical systems or equipment; emergency or security information or procedures; alarm, security or video surveillance systems; locking or access devices; or security cameras for any building or structure included in or ancillary to a school facilities project; or
- any other documents that could assist individuals or entities that wish to do harm to the occupants of school buildings.

Social Impact

The proposed new rules implement the requirements of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. The proposed new rules will have a positive social impact by establishing a procedure for public access to government records held or controlled by the SDA. The law requires that government records be readily accessible for inspection, copying or examination by members of the public unless exempt by law or regulation. However, the law also calls upon a public agency to identify categories of documents to be safeguarded from public access to the extent such documents contain personally identifiable information entrusted to the public entity, and disclosure would violate the member's reasonable expectation of privacy, or such documents contain privileged or deliberative information, or contain information regarding building safety,

security and other systems that, if openly disclosed, could affect the safety and security of members of the public utilizing such buildings. The proposed rules codify categories of such documents to be exempted from disclosure under OPRA.

Economic Impact

The proposed new rules will not have any economic impact on the public in excess of fees imposed by statute. Persons requesting access to government records will be required to pay the fees authorized by the statute for copies of records. The proposed new rules do not impose any additional costs. The costs incurred by a member of the public under these rules will depend on the type and volume of records requested and the medium of delivery. The SDA will incur staff and administrative costs in processing requests for access to government records in the time set by the act.

Federal Standards Statement

A Federal standards analysis is not required because the proposed new rules implement the requirements of a state statute, the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. There are no Federal standards or requirements applicable to these Rules. The Federal Freedom of Information Act, 5 U.S.C. §§ 550a et seq., does not apply to records of State government and does not constitute a Federal standard.

Jobs Impact

The proposed new rules will not have an impact on the number of jobs generated or lost in New Jersey.

Agriculture Industry Impact

The Rules will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Analysis

The proposed new rules do not impose reporting or recordkeeping requirements on small businesses, as such the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules impose compliance requirements on all persons seeking access to government records pursuant to N.J.S.A. 47:1A-1 et seq. All persons, including small businesses, will be required to submit requests for access to government records on a form approved by the SDA. The statute requires the custodian of records to adopt a form for access to records. There is no exception for small businesses. The statute authorizes fees for copies of government records. There is no exception for small businesses. The cost depends on the type and size of the copies requested. Professional services are not required for compliance with these requirements.

Housing Affordability Impact

The Rules govern the process by which members of the public can seek access to government records made maintained or kept on file by the SDA, and thus the proposed new rules will not evoke a change in the average costs of housing in the State of New Jersey and have nothing to do with the affordability of housing.

Smart Growth Development Impact

The Rules govern the process by which members of the public can seek access to government records made maintained or kept on file by the SDA, and thus the proposed adoption will have no impact on Smart Growth Development because the scope of the regulation will not evoke a change in the average price or availability of housing in the State of New Jersey, and will not affect new

construction in Planning Areas 1 or 2, or within designated centers under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal and Public Safety Impact

The proposed new rules govern the process by which members of the public can seek access to government records made maintained or kept on file by the SDA, and thus the proposed new rules will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the new rules follows:

SUBCHAPTER 33. REQUESTS FOR ACCESS TO GOVERNMENT RECORDS

1.1 Scope and Applicability

The rules in this subchapter apply to requests under the Open Public Records Act, N.J.S.A. 47:1A-1.1 et seq. (hereinafter “OPRA”) for access to government records of the New Jersey Schools Development Authority (hereinafter “SDA”).

1.2 Custodian of Records

(a) Pursuant to P.L. 2001, c. 404, the Chief Executive Officer of the SDA shall designate a custodian of records (hereinafter “custodian” or “records custodian”) who shall be responsible for responding to OPRA requests directed to the SDA, for access to government records, as that term is defined in N.J.S.A. 47:1A-1.1, (hereinafter “government records”, “record” or “records”).

(b) The address and other contact information for the records custodian shall be made available to the public by posting on the SDA website at www.njsda.gov.

1.3 Requests for Government Records

(a) All requests under OPRA for access to government records made, maintained, kept on file or received in the ordinary course of business by the SDA, shall be in writing, either on a form approved by the SDA or in a written document that contains the information set forth in (b) below. For the purposes of this subchapter, “access” means inspection, examination or the provision of copies to the requestor.

(b) The requestor shall provide the following information in his or her OPRA request:

1. the name, address and telephone number of the requestor;
2. a description of the specific, identifiable government record sought, a preferred method of access (inspection or copies) and, if copies are sought, the requested medium and mode of delivery;
3. the maximum cost the requestor is willing to pay to obtain access and/or copies of the requested government record;
4. a certification by the requestor that the requestor has not been convicted of an indictable offense under the laws of this state, any other state, or the United States; and
5. The date that the requestor submits the request.

(c) A form for requesting access to government records is available on the SDA website at: <https://www.njsda.gov/NJSDA/Public/Opra> . Copies of the request form shall also be available at the office of the SDA’s records custodian.

1.4 Procedures for Requesting Records in the Custody of the SDA

(a) A requestor's written OPRA request shall be addressed or directed to the SDA records custodian (either by name or as "Records Custodian") and may be delivered by any of the following methods: by hand-delivery during the SDA's normal business hours; by regular mail; by facsimile transmission; or by electronic mail.

(b) All requests must be delivered to the SDA's records custodian in order to trigger the requirements of the public access to government records law. A written request for access to government records that is addressed to the SDA records custodian and mailed or delivered to the SDA's main address will constitute delivery to SDA's records custodian. The time frame to fulfill a request for access to government records under OPRA does not begin until the request form or other form of written request has been delivered to the records custodian. A records request sent to the wrong officer or employee may result in a delay of the fulfillment of the request. An officer or employee of the SDA who receives a request for access to a government record shall advise the requestor that he or she is not authorized to accept the request and shall direct the requestor to the records custodian.

(c) Upon receipt of the written OPRA request, the records custodian shall sign and date the written request, enter the estimated fee, assign an applicable tracking number and provide the requestor with a copy of the same.

(d) The records custodian shall review the request for clarity and completeness. The records custodian shall deny a request for access to a record if the request is unclear or incomplete.

(e) Upon receipt of a written OPRA request, the records custodian shall estimate the cost of providing the record pursuant to section 1.10 below, and if costs are applicable, shall require the pre-payment of the estimated sum and of any special mailing, or delivery costs. Payment shall be made by cash, check or money order payable to the SDA. Except as otherwise provided by law

or regulation, costs shall be consistent with those set forth in N.J.S.A. 47:1A-5. In the event that the actual cost for reproduction of a government record exceeds this rate, the records custodian shall be permitted to charge the actual costs of reproducing the record. If a deposit or pre-payment is required, the request shall not be deemed complete until any required deposit or pre-payment has been received by the records custodian.

(f) Whenever the nature, format, manner of collation, or volume of a government record to be inspected, examined or reproduced is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size, or accommodation of the request involves an extraordinary expenditure of time and effort, the records custodian may, in addition to the actual cost of reproducing the record, assess a special service charge on the requestor that shall be reasonable and based on the actual direct cost of providing the copy or copies, including the labor and overhead costs of locating, collating, compiling, reviewing, redacting, reproducing, and delivering the requested record. The requestor shall be provided an opportunity to review and object to the special service charge prior to its being incurred. If the requestor attempts to object to the special service charge and refuses to withdraw the request, the custodian may deny the request after attempting to reach a reasonable solution that accommodates the interests of the requestor and the SDA.

(g) The records custodian shall charge an additional fee representing the cost of postage on a record to be delivered to the requestor by mail or the cost of any other method of delivery identified by the requestor. The records custodian shall not provide access to or copies of a requested government record until the custodian has received from the requestor payment in full of all costs and fees associated with the record request. The custodian shall deny the request in the event that the requestor fails or refuses to pay the costs and fees associated with a record request.

(h) No fee shall be charged for inspecting or examining a government record, except in situations where:

1. a special service charge is permitted under N.J.S.A. 47:1A-5(c) and this subchapter;
2. redaction and/or copying of government records is necessary; and/or
3. an employee is required to monitor an inspection of original records by a requestor during an on-site inspection.

(i) If a request for access to a government record would substantially disrupt SDA operations, the records custodian may deny access to the record after attempting to reach a reasonable resolution with the requestor that accommodates the interests of the requestor and the SDA.

1.5 Delivery of Records

The records custodian shall notify the requestor when the records are available and shall, if applicable, collect any outstanding fees and charges prior to providing access to or copies of a requested government record.

1.6 Failure to Respond

Except as provided in section 1.8 or 1.9, the records custodian shall grant or deny access to a requested record within seven (7) business days after receiving a completed request in accordance with section 1.4 above or within such additional time as may be allowed by law or these rules or as may be agreed to by the requestor. A records custodian's failure to respond to a request shall be deemed a denial of the request, unless the requestor has elected not to provide a name, address, telephone number or other means of contact. If the requestor has elected not to provide contact information, the records custodian shall not be required to respond until seven (7) business days

after the requestor reappears before the records custodian seeking a response to the original request.

1.7 Requests for Records Stored Offsite

If the requested record is located in an offsite storage facility outside of the regular business offices of the SDA, or is unavailable because it is in active use, the records custodian shall so advise the requestor within seven (7) business days after the records custodian receives the request. The records custodian shall advise the requestor of the date when the record will be made available. If the record is not made available by the identified date, the request shall be deemed denied.

1.8 Requests for Copies of a Government Record in a Specified Medium

(a) Unless otherwise specifically requested, copies of a record shall be provided in printed form on ordinary business size paper or in the format in which the document is maintained. The requestor may request that the SDA provide a copy of a record in a specific medium. If the SDA maintains the government record in the requested medium, the custodian shall provide the record in the medium sought.

(b) If the SDA does not maintain the government record in the medium requested, the records custodian shall convert the record to the medium requested if reasonable or provide a copy in another medium meaningful to the requestor. If a requestor asks for copies of a record in a medium not routinely used, developed or maintained by the SDA, or in a medium that would require a substantial amount of manipulation or programming of information technology, the records custodian may assess, in addition to the actual cost of duplication, a special charge which shall be based upon 1) the cost of the extensive use of information technology and/or 2) the cost of labor required for programming, clerical, and supervisory assistance. The requestor shall be given the

opportunity to review and object to the charge prior to its being assessed. If the requestor objects to the charge and refuses to withdraw the request, the records custodian may deny the request after attempting to reach a reasonable solution that accommodates the interests of the requestor and the SDA.

1.9 Computation of Time

(a) In computing any period of time under N.J.S.A. 47:1A-1 et seq. and this subchapter, the business day upon which a completed written request for access to government records is received shall not be included. The last business day of the period shall be included in the calculation.

(b) For purposes of N.J.S.A. 47:1A-1 et seq. and this subchapter, a request for access is deemed to be complete when the requestor provides information required by section 1.3(b) above and pre-pays the fees required by N.J.S.A. 47:1A-1 et seq. and this subchapter.

1.10 Computation of Fees

(a) The cost for copies of a government record shall be as indicated in N.J.S.A. 47:1A-5b, as such is amended or supplemented. There is no cost for the e-mailing of records.

(b) Special Service Charges will be based on the hourly rate of the lowest paid qualified employee when calculating the labor portion of the special service charge pursuant to N.J.S.A. 47:1A-5(c) and N.J.S.A. 47:1A-5(d).

1.11 Records Held Offsite

Records of the SDA held by the Records Management Service of the Division of Revenue and Enterprise Services (DORES) in the Department of the Treasury or in an offsite storage facility outside of the regular business offices of the SDA shall remain the legal property of the SDA and

requests for access to such records must be submitted directly to the SDA's records custodian. In the event that records of the SDA have reached the age at which they are required to be sent to the State Archives in DORES and were in fact sent to the State Archives for storage, such records have become the legal property of the State Archives, and requests for access to such records must be submitted directly to the State Archives.

1.12 Administrative Closure

When a requestor has failed to provide payment in full for requested records, has failed to pick up or otherwise schedule delivery of requested records, or has failed to schedule or keep an appointment with the records custodian to inspect the requested records within 45 days of the issuance of an OPRA response by the records custodian to the requestor, the custodian shall administratively close the request upon providing written notice to the requestor. The requestor remains liable for all costs and fees associated with the request when such request has been administratively closed by the custodian.

SUBCHAPTER 2. CONFIDENTIALITY OF RECORDS

2.1 Scope and Applicability

The rules in this subchapter shall apply to the New Jersey Schools Development Authority.

2.2 Records Designated as Confidential not Subject to Disclosure

In addition to records designated as confidential pursuant to: the provisions of N.J.S.A. 47:1A-1 et seq., as amended and supplemented; any other statute; resolution of either or both Houses of the Legislature; an Executive Order of the Governor; regulation promulgated under the authority of any statute or Executive Order of the Governor; Rules of Court; any Federal law; Federal

regulation; or Federal order, the following records shall not be considered government records subject to public access pursuant to N.J.S.A. 47:1A-1 et seq., as amended and supplemented:

- (a) All portions of records, including electronic communications, that contain advisory, consultative or deliberative information or other records protected by a recognized privilege;
- (b) Records relating to mediation or other alternative dispute resolution (“ADR”) proceedings conducted by or on behalf of the SDA, except that any records that were open for public inspection, examination or copying prior to mediation or other ADR proceeding shall continue to be available for public inspection, examination or copying during and after mediation or other ADR proceeding. Final agreements resulting from mediation or other ADR proceeding shall be available for public inspection, examination or copying;
- (c) Notes of mediators or other persons involved in any ADR proceedings involving the SDA;
- (d) Information concerning individuals as follows:
 1. Social security numbers;
 2. Home addresses, home telephone numbers, personal cell numbers or personal e-mail addresses;
 3. Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation;
 4. Information in an income or other tax return;
 5. Information describing a natural person’s finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or credit worthiness, except as otherwise required by law to be disclosed; and
 6. Any other information, the disclosure of which might reasonably be expected to endanger the safety of any person;

- (e) Notices, orders, reports and decisions not yet served upon the person(s) to whom they are addressed;
- (f) Unapproved minutes of public meetings;
- (g) Minutes of closed sessions at public meetings, for such time as the issue that warranted the closed session discussion remains unresolved or uncompleted, or until the rationale for the closed session is no longer applicable;
- (h) Documents relating to: pending contract negotiations; proposed change orders; or pending contract claims. Such documents shall be confidential and exempt from disclosure until such time that the contract negotiation, change order or contract claim in question is resolved through a final agreement executed by the parties, is withdrawn by the claimant, or is otherwise terminated or finally adjudicated;
- (i) Plans and specifications for any schools or school facilities projects whether construction of the facility depicted in such documents has been commenced or completed, including, but not limited to drawings, diagrams, renderings, site plans, photographs, video recordings, and/or operational, training, or maintenance manuals that:
 - 1. show or describe means of ingress and/or egress for such school facilities;
 - 2. show parking areas, driveways, access areas and the like for school facilities, and/or that identify a securable perimeter;
 - 3. describe details of doors, windows, skylights, access hatches and the like for school facilities;
 - 4. show or describe the location, configuration, or operational parameters of critical systems or infrastructure of a school facility;

5. show or describe the location, configuration or operational parameters of alarm, security or video surveillance systems, including, but not limited to, the location, orientation and type of access devices, locking devices, and security cameras;
6. show or describe the operational parameters, configurations or vulnerabilities of critical systems or equipment or components of such critical systems;
7. show or describe emergency or security information or procedures for any building or structure comprising or ancillary to a school facility; or
8. any other documents that could assist individuals or entities that wish to do harm to the occupants of school buildings.

For the purposes of this subsection (i), the provision of such documents to a pool of prequalified bidders for procurement purposes shall not constitute a “release” or “display” to the “general public” and shall not result in a loss of confidentiality of such documents;

- (j) Portions of records identifying the author of scoresheets and/or evaluations prepared as part of the selection committee process for any SDA procurement. This exclusion shall not preclude the disclosure of the scoresheets or evaluations if redacted to remove the exempted information, nor shall it preclude the identification of the names and qualifications of selection committee members for a particular procurement, as required by law;
- (k) Bid submissions and evaluative documents associated with a procurement subject to negotiations on price or other terms, prior to any Notice of Award for such procurement;
- (l) Any documents related to the SDA’s acquisition or disposition of property identifying properties and lands to be acquired or disposed of by the SDA, including estimates, appraisals, environmental assessments, surveys, or costs of obtaining any right of way, , until such time as the closing of title is concluded; and

(m) Records of another department or agency, which are in the possession of the SDA, when such records are made confidential by a regulation of that department or agency adopted pursuant to N.J.S.A. 47:1A-1 et seq. and Executive Order No. 26 (McGreevey 2002), or pursuant to another law authorizing the department or agency to make records confidential or exempt from disclosure.

Resolution—7c.

Proposed New Rules (OPRA) – Notice of Proposal for N.J.A.C. 19:33 – Requests for Access to Government Records

Resolution

WHEREAS, P.L. 2007, 137 (N.J.S.A. 52:18A-238(k)) requires that the Members of the New Jersey Schools Development Authority (SDA or the Authority) adopt, amend and repeal rules and regulations to carry out the provisions of P.L. 2000, c. 72 (C. 18A:7G-13e) and P.L. 2007, c. 137 (C. 52:18A-238k) and;

WHEREAS, New Jersey's Open Public Records Act (OPRA) requires that government records be readily accessible for inspection, copying or examination by members of the public unless exempt by law or regulation; and

WHEREAS, the OPRA further authorizes a public agency to identify categories of documents that may be safeguarded from public access; and

WHEREAS, the memorandum presented to the Board on this date describes in detail the provisions of the proposed regulations which establish requirements and procedures for citizens seeking access to government records made, maintained or kept on file by the SDA, consistent with the OPRA, N.J.S.A. 47:1A-1 et seq. (Rules); and

WHEREAS, SDA management recommends Board approval so that management can proceed with the promulgation and publication of the proposed new rules governing Requests for Access to Government Records, N.J.A.C. 19:33, as well as the issuance of the Notice of Proposal, and the filing of the same with the Office of Administrative Law; and

WHEREAS, the Members of the Authority were provided with the proposed Rules and the Notice of Proposal for their review and consideration in advance of the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the promulgation and publication of the proposed new rules governing Requests for Access to Government Records, N.J.A.C. 19:33, as well as the issuance of the Notice of Proposal, and the filing of the Notice with the Office of Administrative Law.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve the same, in which case such action shall become effective upon such approval.

Attached: Memorandum, Proposed New Rules (OPRA) – Notice of Proposal for N.J.A.C. 19:33 – Requests for Access to Government Records, dated April 1, 2020

Dated: April 1, 2020

MONTHLY REPORTS
(For Informational Purposes)

ACTIVE PROJECTS STATUS REPORT



STATE OF NEW JERSEY
SCHOOLS DEVELOPMENT AUTHORITY

MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director

DATE: April 1, 2020

SUBJECT: Active Project Status Report
(For Informational Purposes Only)

The 1st section of the report includes an Activities Summary of projects identified for advancement in the Authority's Capital Plans.

The 2nd part of the report displays project completion milestones for all other active major capital projects and emergent projects for which a contract for construction has been awarded.



2011 & 2012 Portfolio Projects Activities Summary

as of 3/17/20

2011 Portfolio Projects - sorted by District

1

District	Project	Grade Alignment	FES Capacity	Max. Capacity	Total Estimated Cost (millions)	Design Status	Advancement Status	Projected Construction Advertisement Date*
Bridgeton	Buckshutem ES	K-8	581	645	\$23.3	Kit of Parts/ Design-Build	School occupied Sep. 2016. (Bock)	5/31/13
Bridgeton	Quarter Mile Lane ES	PK-8	731	795	\$39.0	Kit of Parts/ Design-Build	School occupied Sep. 2017. (Bock)	5/31/13
Elizabeth	Frank J. Cicarell Academy (Academic HS)	9-12	1,091	1,284	\$64.1	Existing Design	School occupied Sep. 2016. (Patock)	12/8/11 7/11/12
Jersey City	Patricia M. Noonan ES (ES 3)	PK-5	778	848	\$54.0	Kit of Parts/ Design-Build	School occupied Sep. 2017. (Dobco, Inc.)	6/25/12 2/25/13
Jersey City	Dr. Maya Angelou PS #20	K-5	628	698	\$49.3	Existing Design	School occupied Sep. 2016. (Dobco, Inc.)	4/17/12 3/6/13
Long Branch	Catrambone ES	PK-5	794	867	\$40.0	Existing Design	School occupied Sep. 2014. (Terminal Construction)	12/20/11
New Brunswick	Redshaw ES	PK-5	906	990	\$51.2	Kit of Parts/ Design-Build	School occupied Jan. 2015. (Hall Construction)	5/29/12
Newark	Oliver St. ES	PK-8	848	932	\$73.6	Kit of Parts/ Design-Build	School occupied May 2016. (Epic Management)	6/27/12 11/29/12
Paterson	Dr. Hani Awadallah ES (Marshall St. ES)	K-8	650	722	\$55.2	Existing Design	School occupied Sep. 2016. (Dobco, Inc.)	6/13/12 2/12/13
Paterson	PS 16	PK-8	641	705	\$62.4	Kit of Parts/ Design-Build	School occupied Sep. 2016. (Hall Construction)	3/27/12 8/28/13
West New York	Harry L. Bain PS 6	PK-6	736	814	\$16.8	Design-Bid-Build	School occupied Sep. 2017. (Paul Otto)	2/27/12 12/29/15

*PLEASE NOTE - Dates in the Past are ACTUAL. Includes Advertisement dates for Early Site Preparation Construction & School Construction where applicable.
 NOTE # 1 - Estimated Costs, Grade Alignment and Capacity are based upon approved Project Charters where applicable. For projects without an approved charter, Estimated Costs, Grade Alignment and Capacity are based upon Planning Assumptions.
 Recommendations of DOE/SDA/District Working Groups may impact this information in the future.

8



2011 & 2012 Portfolio Projects Activities Summary

as of 3/17/20

2012 Portfolio Projects - sorted by District

1

District	Project	Grade Alignment	FES Capacity	Max. Capacity	Total Estimated Cost (millions)	Design Status	Advancement Status	Projected Construction Advertisement Date*
Gloucester City	Elementary/Middle School	4-8	687	763	\$65.3	Kit of Parts/ Design-Build	School occupied Sep. 2017. (Terminal)	3/4/14
Keansburg	Caruso ES	K-4	758	842	\$50.9	Kit of Parts/ Design-Build	School occupied Sep. 2016. (Hall Construction)	10/20/11 6/27/13
Keansburg	Port Monmouth Road School	PK	318	318	\$28.4	Design-Bid-Build	Award for D-B approved Nov. 2019 Board. (Niram)	6/24/19
New Brunswick	Robeson ES	PK-5	823	893	\$48.5	Kit of Parts/ Design-Build	School occupied Sep. 2018. (Hall Construction)	4/22/15
Newark	Elliot Street ES	PK-8	848	932	\$46.7	Kit of Parts/ Design-Build	School occupied Jan. 2016. (Hall Construction)	12/27/12
Newark	South Street ES	PK-8	597	657	\$69.9	Kit of Parts/ Design-Build	School occupied Sep. 2018. (Bock)	6/28/13 6/29/15
Passaic	Dayton Ave. Campus	PK-8	2,760	3,020	\$240.9	Kit of Parts/ Design-Build	Award for D-B approved Nov. 2017 Board. (Terminal)	6/13/17
Phillipsburg	High School	9-12	1,846	2,172	\$127.5	Existing Design	School occupied Sep. 2016. (Epic Management)	9/27/12
West New York	Memorial HS	9-12	1,859	2,194	\$16.0	Alternative Delivery (acquisition) & Renovation	Acquisition of Existing St. Joseph's HS complete. Renovation work delegated to District via Grant.	n/a

***PLEASE NOTE** - Dates in the Past are ACTUAL. Includes Advertisement dates for Early Site Preparation Construction & School Construction where applicable.
NOTE # 1 - Estimated Costs, Grade Alignment and Capacity are based upon approved Project Charters where applicable. For projects without an approved charter, Estimated Costs, Grade Alignment and Capacity are based upon Planning Assumptions.
 Recommendations of DOE/SDA/District Working Groups may impact this information in the future.

8



2011 & 2012 Portfolio Projects Activities Summary

as of 3/17/20

2012 Portfolio Projects (Educational Priority that require further conversations with District & 2013 Amended Projects) - sorted by District

1								
District	Project	Grade Alignment	FES Capacity	Max. Capacity	Total Estimated Cost (millions)	Design Status	Advancement Status	Projected Construction Advertisement Date*
East Orange	Sheila Y. Oliver Academy (GW Carver ES)	PK-5	470	512	\$41.2	Kit of Parts/ Design-Build	Award for D-B approved Jun. 2017 Board. (Dobco)	4/26/16 1/20/17
Elizabeth	New ES @ Halloran PS #22 ES Site	2-8	860	956	\$55.3	Kit of Parts/ Design-Build	School occupied Sep. 2017. (Torcon)	6/9/14
Garfield	James Madison ES	K-5	275	305	\$29.7	Existing Design	School occupied Sep. 2018. (Brockwell & Carrington)	2/19/14 6/30/15
Harrison	New ES	PK - 1	392	432	\$36.1	Kit of Parts/ Design-Build	Award for D-B approved Nov. 2016 Board. (Brockwell and Carrington)	11/10/15 7/13/16
Irvington	Madison Avenue ES	PK-5	463	504	\$38.6	Kit of Parts/ Design-Build	School occupied Sep. 2019. (Bock)	11/19/15 8/16/16
Millville	Senior HS Addition/Renovation	HS	2,026	2,384	\$137.5	Design-Build	Award for D-B approved Apr. 2017 Board. (Hall Construction)	9/30/16
Passaic	Sonia Sotomayor ES (New ES @ Leonard Place)	K-5	628	698	\$55.9	Kit of Parts/ Design-Build	School occupied Sep. 2019. (Dobco, Inc.)	8/13/15
Paterson	New MS @ Union Ave.	6-8	996	1107	\$113.9	Design-Build	Award for D-B approved Sep. 2018 Board. (Epic Management)	3/2/17 4/26/18
Pemberton	Denbo-Crichton ES	PK-5	846	930	\$58.7	Design-Build	Award for D-B approved Jan. 2018 Board. (Bock)	3/1/17 9/13/17
Perth Amboy	High School	HS	2,800	3,295	\$283.8	Design-Build	Award for D-B approved Nov. 2019 Board. (Terminal)	3/26/19
Perth Amboy	Rose M. Lopez ES (Seaman Avenue ES)	K-5	724	804	\$56.4	Kit of Parts/ Design-Build	School occupied Sep. 2019. (Epic Management).	2/3/16
Plainfield	New Woodland ES	K-5	756	840	\$59.4	Kit of Parts/ Design-Build	Award for D-B approved Feb. 2020 Board. (Epic Management)	5/23/18 8/29/19
Union City	New Grade 7 to 9 School	7-9	756	840	\$75.5	Kit of Parts/ Design-Build	Revised Preliminary Charter approved Dec. 2019 Board.	TBD
Vineland	Lincoln Ave. MS (New MS)	6-8	562	624	\$49.8	Kit of Parts/ Design-Build	School occupied Sep. 2018. (Bock).	9/24/15

8

*PLEASE NOTE - Dates in the Past are ACTUAL. Includes Advertisement dates for Early Site Preparation Construction & School Construction where applicable.
 NOTE # 1 - Estimated Costs, Grade Alignment and Capacity are based upon approved Project Charters where applicable. For projects without an approved charter, Estimated Costs, Grade Alignment and Capacity are based upon Planning Assumptions.
 Recommendations of DOE/SDA/District Working Groups may impact this information in the future.



2011 & 2012 Portfolio Projects Activities Summary

as of 3/17/20

2012 Portfolio Projects (Facilities Deficiencies) - sorted by District

1								
District	Project	Grade Alignment	FES Capacity	Max. Capacity	Total Estimated Cost (millions)	Design Status	Advancement Status	Projected Construction Advertisement Date*
Camden	High School	9-12	1,244	1,468	\$132.6	Design-Build	Award for D-B approved Aug. 2018 Board. (Bock)	6/9/17 3/23/18
Hoboken	Demarest ES	ES	TBD	TBD	TBD	Design-Bid-Build	Pre-Design Services ongoing.	TBD
Orange	Cleveland St. ES	PK-6	316	348	\$33.2	Design-Bid-Build	Award for GC approved Mar. 2019 Board. (Brockwell & Carrington)	9/10/18 11/14/18
Orange	High School	9-12	1,440	1,694	\$51.9	Design-Bid-Build	Award for GC approved Mar. 2019 Board. (Terminal)	10/12/18
Trenton	Central HS	10-12	1,850	2,176	\$155.4	Design-Build	School occupied Sep. 2019. (Terminal)	12/19/14 9/29/15

***PLEASE NOTE** - Dates in the Past are ACTUAL. Includes Advertisement dates for Early Site Preparation Construction & School Construction where applicable.

NOTE # 1 - Estimated Costs, Grade Alignment and Capacity are based upon approved Project Charters where applicable. For projects without an approved charter, Estimated Costs, Grade Alignment and Capacity are based upon Planning Assumptions.
Recommendations of DOE/SDA/District Working Groups may impact this information in the future.



Active Project Status Report Status as of 3/1/2020

Major Capital Projects - With Contract for Building Construction Awarded

#	District	Project Name	Project Scope	Project Status	Substantial Completion	Status Substantial Completion	School Opening	Status of School Opening	Total Estimated Project Cost
1	Camden	New Camden High School	New Construction	Construction	3Q 2021	On-target	Sep-21	On-target	\$ 132,569,255
2	City of Orange	Cleveland Street ES	Addition/Renovation	Construction	3Q 2021	On-target	Sep-21	On-target	\$ 33,243,608
3	City of Orange	Orange High School	Addition/Renovation	Construction	1Q 2022	On-target	Phased	On-target	\$ 51,931,218
4	East Orange	New GW Carver ES	New Construction	Construction	1Q 2020	On-target	Sep-20	On-target	\$ 41,179,670
5	Harrison	New Elementary School	New Construction	Construction	2Q 2020	On-target	Sep-20	On-target	\$ 36,115,640
6	Keansburg	Port Monmouth Road School	Addition/Renovation	Constructability Review	2Q 2022	On-target	Sep-22	On-target	\$ 28,440,130
7	Millville	Millville Senior High School	Addition/Renovation	Construction	3Q 2022	On-target	Phased	On-target	\$ 137,503,832
8	Passaic City	New Dayton Avenue Educational Campus	New Construction	Construction	2Q 2022	On-target	Sep-22	On-target	\$ 240,923,270
9	Paterson	New Union Ave MS	New Construction	Construction	2Q 2021	On-target	Sep-21	On-target	\$ 113,902,274
10	Pemberton	New Denbo ES	New Construction	Construction	1Q 2021	On-target	Sep-20	On-target	\$ 58,703,414
11	Perth Amboy	New High School	New Construction	Design-Build Design Phase	2Q 2024	On-target	Sep-24	On-target	\$ 283,830,000

8



**Active Project Status Report
Status as of 3/1/2020**

Emergent Projects - With Contract for Construction Awarded

#	District	Project Name	Project Scope	Project Phase	Substantial Completion	Status Substantial Completion	Final Completion	Status of Final Completion	Total Estimated Project Cost
1	Newark	Chancellor Ave Annex	Building Envelope & Structural Repairs	Construction	1Q 2020	On-Target	2Q 2020	On-Target	\$ 1,221,437
2	Newark	Lafayette Street School	Exterior Doors & Roofing	Construction	1Q 2020	On-Target	2Q 2020	On-Target	\$ 658,129

PROJECT CLOSEOUT STATUS REPORT



STATE OF NEW JERSEY

SCHOOLS DEVELOPMENT AUTHORITY

32 EAST FRONT STREET
P.O. BOX 991
TRENTON, NJ 08625-0991
609-858-5395

To: Members of the Authority
From: /s/ Ayisha Cooper, Vendor Services Analyst
Date: April 1, 2020
Subject: Project Close-Out Status Report

The attached report provides a status of the following:

- All SDA managed Capital Plan projects which have achieved school occupancy but have not yet been contractually and administratively closed
- All SDA managed Emergent projects which are either (1) currently active, or (2) complete yet have not been contractually and administratively closed
- Projects which have achieved project transfer to the district yet have outstanding open contracts
- A running total of all school facilities projects, health and safety contracts, and suspended design contracts which have been closed

Projects closed since the last report will appear highlighted.



PROJECT STATUS REPORT - As of March 1, 2020					
Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Bridgeton					
2016	0540-050-13-0ACN	Buckshutem Road Elementary School			
2017	0540-100-13-0ACO	Quarter Mile Lane Elementary School			
Burlington City					
2007	0600-020-01-0957	New High School	Project Transferred	12/29/11	Open contract(s) - Legal matter pending
Camden					
2007	0680-140-01-0939	Octavius V. Catto Community School - Demonstration Project	Project Transferred	01/09/12	Open contract(s)
2009	0680-350-01-0938	HB Wilson Elementary School	Project Transferred	04/14/10	Open contract(s)
Egg Harbor City					
2010	1300-X01-04-0ADY	New Middle School	Project Transferred	01/01/12	Open contract(s)
Egg Harbor Township					
2011	1310-005-04-0AEB	Egg Harbor Township High School			
Elizabeth					
2017	1320-N20-13-0AEG	Halloran Elementary School	Project Transferred	06/12/18	Open contract(s)
2016	1320-X07-01-0867	Frank J. Cicarell Academy (New Academic HS)	Project Transferred	07/18/19	Open contract(s)
2013	1320-240-03-0339	Victor Mravlag Elementary School # 21	Project Transferred	08/27/19	Open contract(s) - Legal matter pending
Garfield					
2018	1700-205-03-0315	James Madison Elementary School #10			
Gloucester City					
Legacy	1770-160-01-0245	Cold Springs Elementary School	Project Transferred	06/05/09	Open contract(s)
2017	1770-N01-03-0188	Gloucester City Middle School	Project Transferred	04/17/18	Open contract(s)
Irvington					
2019	2330-120-03-0755	Madison Avenue Elementary School			
Jersey City					
Legacy	2390-N01-99-0227	New Elementary School #3 (Frank R. Conwell ES #3)	Project Transferred	12/19/15	Open contract(s) - Legal matter pending
Legacy	2390-N02-99-0228	Jersey City Middle School # 4 (Frank R. Conwell MS #4)	Project Transferred	12/19/15	Open contract(s) - Legal matter pending
2016	2390-190-01-0581	New Public School #20	Project Transferred	08/11/17	Open contract(s) - Legal matter pending
2017	2390-X03-01-0587	Patricia M. Noonan ES (New PS #3)	Project Transferred	12/14/17	Open contract(s) - Legal matter pending
2007	2390-N03-99-0147	Heights Middle School #7			
Keansburg					
2016	2400-E01-02-0116	New Caruso Elementary School	Project Transferred	08/13/18	Open contract(s)
New Brunswick					
2018	3530-123-03-1034	Paul Robeson Community Elementary School	Closed		

PROJECT STATUS REPORT - As of March 1, 2020					
Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Newark					
Legacy	3570-X01-01-0617	Science Park	Project Transferred	05/03/13	Open contract(s) - Legal matter pending
2010	3570-X07-01-0693	Speedway Elementary School	Project Transferred	10/21/15	Open contract(s)
2016	3570-590-02-0315	Oliver Street Elementary School	Project Transferred	05/18/17	Open contract(s)
2018	3570-640-02-0311	South Street ES			
Passaic					
2015	3970-X01-01-X760	New Henry Street Elementary School			
2019	3970-N11-07-0DAY	Leonard Place Elementary School			
Paterson					
Legacy	4010-N02-02-0393	Roberto Clemente Elementary School	Closed		
2016	4010-N01-02-0169	Dr. Hami Awadallah School (New Marshall Street ES)	Project Transferred	03/15/18	Open Contract(s)
2008	4010 -S01-02-0101	International High School			
Pemberton					
2011	4050-E01-02-0082	Pemberton Early Childhood Education Center	Project Transferred	02/01/13	Open contract(s)
Perth Amboy					
2019	4090-N01-98-0325	Seaman Avenue Elementary School			
Phillipsburg					
2016	4100-X01-99-0464	New High School	Project Transferred	06/07/18	Open contract(s)
Trenton					
2019	5210-050-13-0AEH	Trenton Central High School			
Vineland					
2018	5390-N02-02-0245	Lincoln Avenue Middle School			
West New York					
2009	5670-065-01-0559	Elementary School #2	Project Transferred	05/14/13	Open contract(s) - Legal matter pending
2012	5670-070-01-0556	West New York #3	Closed		
2017	5670-100-12-0AEE	Harry L. Bain E.S.	Closed		
Capital and Demonstration Projects Totals					
Total Capital and Demonstration			155		
Closed Capital and Demonstration Projects			121		
Capital and Demonstration Projects Not Closed			34		
Capital and Demonstration Projects Not Closed, Project Transferred			20		
			Legal Matter	8	
			Miscellaneous	12	

PROJECT STATUS REPORT - As of March 1, 2020					
Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Emergent Projects					
Camden					
	0680-170-12-OACF	Cramer Elementary School			
Irvington					
	2330-090-12-OACT	Chancellor Avenue Elementary School	Project Transferred	3/20/2018	Open contract(s)
Newark					
	3570-301-17-OAES	Marin - HVAC			
	3570-415-17-OAER	Dr. E. Alma Flagg E.S. - Doors and Roofing			
	3570-460-17-OAEZ	Hawkins ES - Chimney Repairs			
	3570-480-17-OAET	Lafayette - Doors and roofing			
	3570-750-17-OBBC	Wilson School Annex - Chimney			
Paterson					
	4010-N02-12-0ABX	Roberto Clemente ES			
Plainfield					
	4160-050-17-0BBD	Plainfield High School			
Vineland					
	5390-050-12-0ACK	Vineland High School South			
Emergent Project Totals					
Total Emergent Projects			79		
Emergent Projects Closed			69		
Emergent Projects Not Closed			10		
Emergent Projects Not Closed but Transferred			1		
Health and Safety Contract Totals					
Total Contracts			399		
# of Contracts Closed			394		
# of Open Contracts			5		
Open Design Contracts					
Total Contracts			109		
# of Contracts Closed			98		
# of Open Contracts			11		

PROJECT STATUS REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director – Program Operations

DATE: April 1, 2020

SUBJECT: Executive Summary – Monthly Project Status Reports

MONTHLY PROJECT STATUS REPORT

Projects that have Expended 75% or More of Board Approved Contingency:

No activity during the reporting period

Projects Greater than 90 Days Behind Schedule:

No activity during the reporting period

Revisions to Project Charters:

No activity during the reporting period



Projects that have Expended 75% or More of Board Approved Contingency
 Reporting Period: Jan. 1, 2008 to Feb. 29, 2020

District	Project	Board Approved Project Charter Contingency	Contingency Expended/Committed	Contingency Remaining ¹	% of Contingency Expended/Committed	Project Completion %	Cause(s)	Current Status
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In Construction

NO DATA TO REPORT

Substantially Complete & Building Occupied

Please refer to the Project Close-Out Activity Report for status of close-out activities

Newark	Speedway Avenue E.S.	\$1,826,000	\$1,754,119	\$71,881	96.1%	99%	1. Removal of unforeseen impacted materials	Project complete and building occupied. Project close-out pending resolution of open contracts.
New Brunswick	Paul Robeson Community ES	\$1,599,650	\$2,180,000	\$0	100.0%	99%	Unforeseen structural repairs. On Oct. 4, 2017 Change Order No. 1 for the value of \$2,180,000 was approved by the Member to address unforeseen structural repairs to the existing Robeson ES which served to fully exhaust the project contingency.	Project complete and building occupied. Project close-out pending resolution of open contracts.
West New York	West New York P.S. #2	\$2,708,883	\$2,708,883	\$0	100.0%	99%	1. Unforeseen site foundation issues	Project complete and building occupied. Project close-out pending resolution of open contracts.

¹ Does not include expended contingency or contingency funds allocated for change orders, amendments



Projects Greater than 90 Days Behind Schedule or with Occupancy Date in Jeopardy

Reporting Period: February 2020

#	Event Date	District	Project	Board Approved Project Charter SubComp Date	Current Contract SubComp Date	Forecasted Contract SubComp Date	# of Days Behind Schedule	Cause(s)	Current Status
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No Activity During the Reporting Period



Revisions to Project Charters

Reporting Period: February 2020

#	District	Project	Financial & Schedule Impacts	Additional Funds Approved	Additional Funds as % of Total Project Budget	Operating Authority Approval Requirement	Description of Revision
No Activity During the Reporting Period							

CONTRACTS EXECUTED REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director, Program Operations

DATE: April 1, 2020

SUBJECT: Contracts Executed Report and Amendments & Change Orders Report
(For Informational Purposes Only)

Contracts Executed Report

This report contains the activity of Contracts executed during the period February 1 through February 29, 2020.

Noteworthy Items during the reporting period:

- No noteworthy items during the reporting period.

Amendments & Change Orders Report

This report contains the activity of Amendments and Change Orders executed during the period February 1 through February 29, 2020.

Noteworthy Items during the reporting period:

- 2 Professional Services Amendment totaling \$49k were executed during the reporting period, of the 2 executed amendments none required board approval.
- 6 Construction Services Change Orders totaling \$402k were executed during the reporting period, of the 6 executed change orders 2 required board approval totaling \$479k.

Report of change orders less than \$10,000 yet requiring Board Approval

In accordance with the Operating Authority adopted by the Members on December 1, 2010 as amended on March 7, 2012, the Members are to be provided a report of any change order which received delegated approval by the CEO due to the fact that they are valued at less than \$10,000 yet require Board approval due the total change orders exceeding 10% of the contract value.

- No Activity to Report



Amendments & Change Orders Report

Reporting Period: 2/1/2020 through: 2/29/2020

District	School Name(s)	Contract Number	Contract Execution Date	CO #	Vendor Name	CO Execution Date	Contract Award Amount	Prior CO's (cumulative)	Current CO Amount	Board Approval Required	Board Approval Date	Revised Contract Amount	Cumulative CO %
Professional Services													
Design Consultant													
City Of Orange Township	Orange H.S.	ES-0042-A01	5/5/2015	13	Kliment Halsband Architects LLP	2/10/2020	\$3,520,022	\$253,509	\$24,370			\$3,797,901	7.89%
City Of Orange Township	Cleveland Street E.S.	ES-0043-A01	9/3/2015	13	Lan Associates, Engineering, Planning, A	2/10/2020	\$1,820,017	\$310,944	\$25,125			\$2,156,086	18.47%
Design Consultant													
Professional Services													
										\$49,495			
Construction Services													
Contractor													
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	2	Terminal Construction Corp.	2/3/2020	\$37,000,000	\$100,000	\$1,010,843	Y	12/4/2019	\$38,110,843	3.00%
City Of Orange Township	Cleveland Street E.S.	ES-0043-C01	5/2/2019	2	Brockwell & Carrington Contractors, Inc.	2/6/2020	\$18,400,000	\$411,506	(\$24)			\$18,811,482	2.23%
Newark	Luiz Munoz Marin ES/MS	EP-0102-C01	2/21/2018	4	Epic Management, Inc.	2/24/2020	\$143,847	\$31,283	(\$20,000)			\$155,130	7.84%
Newark	Luiz Munoz Marin ES/MS	EP-0102-C01	2/21/2018	5	Epic Management, Inc.	2/24/2020	\$143,847	\$11,283	(\$35)			\$155,095	7.81%
Passaic City	New ES at Leonard Place	NT-0050-B01	1/14/2016	11	Dobco, Inc.	2/28/2020	\$32,750,000	(\$432,884)	(\$57,315)			\$32,259,801	-1.49%
Paterson	Madison Ave K Center/Roberto Clemente ES	EP-0071-C01	7/13/2017	1	TCI Construction & Management Co., Inc.	2/28/2020	\$1,755,475	\$0	(\$531,594)	Y	2/5/2020	\$1,223,881	-30.28%
Contractor													
Construction Services													
										\$401,875			
										Total Change Order		Total Change Orders	
										\$451,370		8	

Column Description Legend

CO Execution Date	Date the Change Order was entered into the SIMS system
Revised Contract Amount	Current value of the contract (excluding additional assignments) including current change order

CONTRACT TERMINATIONS REPORT *(no activity)*

SETTLEMENT CLAIMS *(no activity)*

DIVERSITY AND WORKFORCE PARTICIPATION REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Karon L. Simmonds, Director, Risk Management

DATE: April 1, 2020

SUBJECT: Diversity and Workforce Participation Monthly Update for January 2020

The Risk Management staff continues to participate at mandatory pre-bid and pre-construction meetings to instruct and inform bidders regarding SDA's Small Business Enterprise (SBE) and Workforce goals, policies and procedures, including:

- SBE subcontracting goal of 25% of all contracts
- County workforce goals for minorities and females
- Local county workforce goals for minorities and females
- Detailed process procedures to monitor and track the progress made toward these goals throughout the life cycle of each project

At these meetings, vendors are strongly encouraged to identify and hire minority-owned and women-owned firms, as well as locally-based enterprises, for diverse business participation on all school building projects. Additional outreach strategies are discussed and utilized.

SMALL BUSINESS ENTERPRISE ATTAINMENT

The SDA regularly exceeds the State-mandated 25% SBE goal. The total SDA contract dollars awarded through January 31, 2020 was \$12,233,000. The figures below demonstrate compliance with this requirement.

Diversity Breakdown

The total contract dollars awarded to all SBE contractors was \$3,089,138 (including minorities, women and veterans). This represents 25.24% of all SDA contracts.

Type of Business Enterprise	Contract Amount	% of Total SDA Contracts
Small Business Enterprises	\$ 1,476,975	12.07%
Small/ Minority Business Enterprises	\$ -0-	0.00%
Small/Women Business Enterprises	\$ 430,913	3.52%
Small/Veteran Owned Business Enterprises	\$ 1,181,250	9.65%
Small/Minority/Women Business Enterprises	\$ -0-	0.00%
TOTAL DIVERSITY CONTRACTS	\$ 3,089,138	25.24%

Members of the Authority
 Diversity and Workforce Participation Monthly Update for January 2020
 April 1, 2020
 Page 2 of 3

WORKFORCE PARTICIPATION

For the month of January 2020, there was a contractor workforce of 689 on SDA projects. This represents a total of 57,944 contractor workforce hours as follows:

Contractor Workforce Breakdown (All Trades/Districts/Counties)			
Ethnicity	Total Workforce	Total Workforce Hours	Workforce Hours Percentage
Black	63	7,361	12.70%
Hispanic	118	9,538	16.46%
American Indian	2	72	0.12%
Asian	2	48	0.08%
Total Minority Participation	185	17,019	29.37%
Total Non-Minority Participation	504	40,925	70.63%
Total Contractor Workforce	689	57,944	100.00%

There was a contractor workforce of 57,944 total workforce hours and 982 total female workforce hours on SDA projects for the period of January 1, 2020 through January 31, 2020. The following table highlights the *Local County Contractor Workforce* participation for this period:

Local County Contractor Workforce Participation	Workforce Hours	Percentage
*Total Workforce Hours	57,944	100.00%
*Total Local County Workforce Hours	4,591	7.92%
Total Local County Non-Minority Workforce Hours	1,588	2.74%
Total Local County Female Workforce Hours	0	0.14%
Total Local County Minority Workforce Hours	3,003	5.18%
**Local County Workforce Hours by Ethnicity:		
Black	1,907	3.29%
Hispanic	1,096	1.89%
American Indian	0	0.00%
Asian	24	0.04%

*Total workforce and total local county workforce represent all laborers including females.

**Minority breakdown represents Black, Hispanic, American Indian, and Asian laborers. Minority female laborers are captured as female laborers only and are not included in the minority breakdown.

Members of the Authority
 Diversity and Workforce Participation Monthly Update for January 2020
 April 1, 2020
 Page 3 of 3

The following table represents contractor minority and female workforce for all SDA active Capital Projects and all active and completed Emergent Projects for the period of January 1, 2020 through January 31, 2020.

SDA Managed Project	Total Workforce Hours	Minority Workforce Hours & Percentage		Local County Workforce Hours & Percentage	
Camden HS	8,711	3,626	41.63%	1,625	18.65%
GW Carver ES	814	208	25.55%	8	0.98%
Harrison ES	6,638	2,200	33.14%	0	0.00%
Millville HS	13,488	3,623	26.86%	2,183	16.18%
Dayton Ave Campus	18,930	6,490	34.28%	579	3.06%
Union Ave MS	2,709	202	7.46%	0	0.00%
Denbo-Crichton ES	6,470	662	10.23%	196	3.03%
Emergent Projects	152	8	5.26%	0	0.00%

Prepared by: Charlotte Brooks

REGULAR OPERATING DISTRICTS (RODs) ACTIVITY REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director, Program Operations

DATE: April 1, 2020

SUBJECT: Regular Operating District Grant Activity Report
(For Informational Purposes Only)

This report summarizes the Regular Operating District Grant activity from inception to date and for the month of February 2020. Also included is a detailed list of grants executed and grants offered during the reporting period.

Monthly Update:

- No grants were offered during the reporting period.
- No grants were executed during the reporting period.
- 16 grants impacting 7 districts were closed out during the reporting period representing \$37.5M in total project costs and state share of \$15.2M.
- Since inception, over \$2.9B has been disbursed to 524 regular operating districts through the grant program.
- Since inception over \$3.3B in funding has been approved by the Department of Education and offered to regular operating districts through the grant program.



STATE OF NEW JERSEY
SCHOOLS DEVELOPMENT AUTHORITY

Monthly Regular Operating District Grant Report - Summary

February 2020

ROD Grant Summary Since Program Inception				
	Offered ¹	Executed	Closed-Out	Active
Districts Impacted	-	524	514	106
Number of Grant Projects	-	5,406	5,025	381
Total Project Cost Estimate	\$ -	\$ 8,946,799,390	\$ 8,539,468,689	\$ 407,330,701
Grant Amount	\$ -	\$ 3,006,031,206	\$ 2,827,539,271	\$ 178,491,935
Amount Disbursed	N/A	\$ 2,919,273,605	\$ 2,827,539,271	\$ 91,734,334

Total Funding Offered to School Districts via Grant Program	\$ 3,342,209,450
Total ROD Grant Funding remaining for new Grant Projects	\$ 83,432,404

1. Includes grants that have been offered to District's but have not yet been executed.

Monthly Activity ROD Grant Summary		
	Executed	Closed-Out
Districts Impacted	-	7
Number of Grant Projects	-	16
Total Project Cost Estimate	\$ -	\$ 37,519,806
Grant Amount	\$ -	\$ 15,185,398
Amount Disbursed	NA	\$ 15,185,398

* Report is inclusive of all Regular Operating Districts grants (including vocational school districts).

** Total Project Cost Estimate and Grant Amount may be adjusted as the projects advance. Grant Amount is capped at the value approved in the DOE Final Eligible Cost Approval.

NOTIFICATION OF AMENDMENTS TO GOODS AND SERVICES CONTRACTS NOT EXCEEDING \$100,000 OR 10% OF THE CONTRACT VALUE *(no activity)*

COMMUNICATIONS MONTHLY REPORT *(no report)*

MONTHLY FINANCIAL REPORT

MEMORANDUM

TO: Members of the Authority

FROM: Sherman E. Cole, MBA, CPA /s/
Controller

DATE: April 1, 2020

SUBJECT: Monthly Financial Report – February 2020

The Office of the Chief Financial Officer is providing the attached preliminary monthly financial report to the Members of the Authority for their information. Included on pages 1 and 2 of this report is a “Financial Summary” of the Authority’s activities for the year. On pages 3 and 4 of the report is a summary of the Authority’s operating expenditures. Page 5 contains a breakdown of the Authority’s headcount information by department. The basic financial statements follow on pages 6 and 7.

Fund Reporting Operating Expenses (Year-to-Date Actual vs. Budget)

For February 2020 year to date, Authority operating expenses, **\$2.3M**, are **\$439K** lower than budget for the corresponding period. The variance is primarily related to lower year to date personnel costs, **\$188K**, which includes a **\$173K** decrease in payroll and benefits cost due to having 18 less employees (FTEs) than budgeted. Lower than budgeted spending related to outside legal services **\$85K**, other professional services, **\$111K**, and facilities & general office expenses, **\$40K**, also contributed to the decrease.

Fund Reporting Operating Expenses (Year-to-Date Actual vs. Prior Year Actual)

For February 2020 year to date, Authority operating expenses, **\$2.3M**, are **\$594K** lower when compared to the corresponding prior year. The variance is mainly attributable to decreases in personnel expense, **\$634K**, as a result of having 42 less employees (FTEs) than last year.

School Facilities Project Expenditures (Year-to-Date Actual vs. Forecast)

For February 2020 year to date, project expenditures, **\$47.2M**, are **\$3.7M** lower than the capital spending forecast for the corresponding period. This variance is primarily the result of lower than forecasted expenditures for construction activity **\$2.9M**, and school furniture & fixtures **\$985K**.

School Facilities Project Expenditures (Year-to-Date Actual vs. Prior Year Actual)

For February 2020 year to date, project expenditures, **\$47.2M**, are higher by **\$3.8M** when compared to the corresponding prior year. The variance is attributable mainly to an increase in construction activity, **\$4.5M**.

Members of the Authority

April 1, 2020

Page 2

Other

Since program inception, 86.3% of the funds authorized for the SDA Districts have been disbursed. Additionally, since program inception, 96% of all SDA disbursements relate to school facility projects and 4% relate to operating expense.

The estimated value of active school facilities, capital, emergent and ROD grant projects is approximately \$2B.

Attachment

New Jersey Schools Development Authority
Monthly Financial Report
February 2020
(Unaudited)

New Jersey Schools Development Authority

Overview of Financial Position

February 29, 2020

To: The Audit Committee

From: Sherman E. Cole, Controller

The information contained in this monthly financial report is for the period as of, and for the year-to-date ending, February 29, 2020.

8

► Overall **Cash and Cash Equivalents** have decreased by \$45.2 million to \$525.7 million, as follows:

■ Receipt of bond and note proceeds (Issued by EDA)	\$ -
■ Investment earnings	1,488,489
■ Miscellaneous revenue	7,000
■ Project costs	(47,183,568)
■ SDA operating expenses	(2,259,230)
■ SDA capital expenditures	(9,773)
■ Deposits (primarily district local shares)	2,719,105
Net Change in Cash	\$ (45,237,977)

► **Prepaid Expenses** total \$590,081 as follows:

- Prepaid insurance of \$388,997.
- Prepaid rents of \$124,152 for the Authority's leased office space in Trenton and Newark.
- Prepaid MIS maintenance service contracts of \$46,491.
- Other prepaids of \$30,441.

► **Capital Assets** total \$1,053,709 (net of accumulated depreciation of \$6,740,363), consisting of leasehold improvements (SDA offices), and capitalized software, equipment, furniture and fixtures in support of SDA operations. Depreciation on capital assets is generally calculated using the straight-line method over the life of each asset. For the year to date, **Capital Expenditures** are \$0 and **Depreciation Expense** is \$29,175.

► **Accrued Liabilities** total \$105.8 million, as follows:

- Accrued project costs of \$19.9 million consisting of unpaid invoices (\$2.9 million) and retainage (\$17.0 million).
- Accrued net pension liability of \$49.8 million.
- Annual accrued pension payable of \$2.4 million.
- Other post-employment benefits obligation of \$28.0 million.
- Pollution remediation obligations (PRO) under GASB 49 net to \$1.4 million (PRO liability \$2.9 million, offset by expected cost recoveries of \$1.5 million).
- Estimated liability for loss contingencies totaling \$2.4 million.
- Payroll related liabilities of \$1.8 million.
- Other accrued liabilities of \$0.1 million.

► **Deposits** total \$5.5 million, as follows:

- \$5.5 million is held for local share agreements (pass-through item).

► The Authority's **Net Position** at month end is \$408.7 million.

New Jersey Schools Development Authority School Facilities Project Expenditures & Funding Allocation February 29, 2020

► School Facilities Construction Bond / Note Proceeds & Project Expenditures

- During the current year to date, the SDA has received \$0 million bond and note proceeds. The total amount of proceeds received since program inception is \$11.498 billion.
- Project expenditures for the month and year-to-date periods total \$20.3 million and \$47.2 million, respectively, as follows:

<u>Category</u>	<u>Current Month</u>	<u>Current Year-To-Date</u>	<u>Since Program Inception</u>
Construction	\$ 11,703,018	\$ 32,618,280	\$ 5,103,184,723
Design Services	371,980	566,665	411,623,157
PMF/CM Services	462,484	966,717	463,547,717
SDA Project Management	991,851	1,796,942	100,243,670
Property Acquisition, Relocation & Enviro	216,315	373,284	580,544,738
School Furniture, Fixtures & Equipment	58,192	515,112	186,945,365
Project Insurance	-	3,207	109,148,870
NJ State Inter-Agency Transfers	-	77,470	50,361,676
SDA District Grant & Funding Agreements	747,559	751,754	877,257,485
Regular Operating District Grant Agreements	5,654,392	9,332,071	2,928,206,156
Real-Time Project Audits	-	-	628,000
Property Management, Maintenance & Utils	43,483	53,037	18,295,431
Outside Legal & Claims Resolution Services	33,107	133,262	10,942,415
Temporary Staffing	15,960	15,960	10,476,301
Other Project Costs	1,531	37,951	61,367,886
Project Credits	-	-	(54,902,944)
Total Project Expenditures	20,299,872	47,241,712	10,857,870,646
Less: Local Share Contributions	-	(58,144)	(184,398,559)
Project Expenditures (State Share)	\$ 20,299,872	\$ 47,183,568	\$ 10,673,472,087
 2020 Capital Spending Forecast	 \$ 25,970,209	 \$ 50,835,420	

Allocations Since Program Inception

► Program Funding & Expenditures

	<u>Bonding Caps</u> ¹	<u>Total Funding</u> ²	<u>Paid to Date</u> ³
■ SDA Districts	\$ 8,900,000,000	\$ 9,026,006,637	\$ 7,786,107,739
■ Regular Operating Districts	3,450,000,000	3,499,871,125	3,247,605,337
■ Vocational Schools	150,000,000	151,992,983	121,631,835
Total - State Share	\$ 12,500,000,000	\$ 12,677,870,745	\$ 11,155,344,911

► Percentage of Total Funding Paid to Date

■ SDA Districts	86.3%
■ Regular Operating Districts	92.8%
■ Vocational Schools	80.0%
Total - State Share	88.0%

1 Of the \$12.5 billion authorized for the school construction program, \$11,497,702,648 principal amount of bond and note proceeds have been received to date.

2 Includes bonding cap amounts and other income and miscellaneous revenue earned to date (i.e., interest income on invested funds and State appropriations).

3 These amounts include the allocation of SDA operating expenses and capital expenditures totaling \$481,872,824.

New Jersey Schools Development Authority
Fund Reporting Operating Expenses vs Budget
February 29, 2020

<u>Category</u>	<u>Actual</u> <u>Year-To-Date</u>	<u>Budget</u> <u>Year-To-Date</u>	<u>Over/</u> <u>(Under)</u>
Personnel Expenses:			
Employee Salaries	\$ 2,593,004	\$ 2,923,511	\$ (330,507)
Employee Benefits	669,857	807,278	(137,421)
Direct Hire Temporary Employee Costs	2,561	8,074	(5,513)
Total Employee Salaries & Benefits Costs	3,265,422	3,738,863	(473,441)
Less: Employee Salaries & Benefits Costs			
Charged to Projects	1,796,942	2,097,846	(300,904)
Salaries & Benefits Charged to Operating Expense	1,468,480	1,641,017	(172,537)
Temporary Staffing Services	-	12,500	(12,500)
Travel & Expense Reimbursements	1,358	4,640	(3,282)
Training & Professional Development	11,616	11,666	(50)
Total Personnel Expenses	1,481,454	1,669,823	(188,369)
Non-Personnel Operating Expenses:			
Facilities & General Office Expenses	390,671	430,320	(39,649)
Information Systems	248,311	245,225	3,086
Professional & Other Contracted Services	61,352	257,282	(195,930)
Property & Casualty Insurance	59,160	60,866	(1,706)
SDA-Owned Automobiles	9,288	16,666	(7,378)
Communications & Outreach	-	500	(500)
Reserve for Unforeseen Events & New Initiatives	-	8,334	(8,334)
Total Authority Operating Expenses	\$ 2,250,236	\$ 2,689,016	\$ (438,780)

2020 Annual Operating Budget

\$ 17,436,021

**New Jersey Schools Development Authority
Capital Expenditures
February 29, 2020**

Description of Capital Item:	Budget Year	Budget Amount	Capital Expenditures		
			2020	Pre-2020	Total
Leasehold Improvements		\$ -	\$ -	\$ -	-
Office Furniture & Equipment		-	-	-	-
CM Computer Software System:					
Estimated SDA Staff Time	2020	150,000	-	-	-
Estimated SDA Staff Time	2019	450,000	-	211,192	211,192
Purchase & Development	2019	1,000,000	-	-	-
Purchase & Development	2018	1,500,000	-	579,268	579,268
Total Capital Items		\$ 3,100,000	\$ -	\$ 790,460	\$ 790,460

New Jersey Schools Development Authority Fund Reporting Operating Expenses vs Prior Year February 29, 2020

<u>Category</u>	<u>Actual Year-To-Date</u>	<u>2019 Year-To-Date</u>	<u>Over/ (Under)</u>
Personnel Expenses:			
Employee Salaries	\$ 2,593,004	\$ 3,257,779	\$ (664,775)
Employee Benefits	669,857	797,401	(127,544)
Direct Hire Temporary Employee Costs	2,561	12,042	(9,481)
Total Employee Salaries & Benefits Costs	3,265,422	4,067,222	(801,800)
Less: Employee Salaries & Benefits Costs			
Charged to Projects	1,796,942	1,964,026	(167,084)
Salaries & Benefits Charged to Operating Expense	1,468,480	2,103,196	(634,716)
Temporary Staffing Services	-	577	(577)
Travel & Expense Reimbursements	1,358	1,959	(601)
Training & Professional Development	11,616	9,958	1,658
Total Personnel Expenses	1,481,454	2,115,690	(634,236)
Non-Personnel Operating Expenses:			
Facilities & General Office Expenses	390,671	379,214	11,457
Information Systems	248,311	258,936	(10,625)
Professional & Other Contracted Services	61,352	17,430	43,922
Property & Casualty Insurance	59,160	57,102	2,058
SDA-Owned Automobiles	9,288	13,118	(3,830)
Communications & Outreach	-	2,857	(2,857)
Reserve for Unforeseen Events & New Initiatives	-	-	-
Total Authority Operating Expenses	\$ 2,250,236	\$ 2,844,347	\$ (594,111)

New Jersey Schools Development Authority Employee Headcount February 29, 2020

	<u>Current Month End</u>	<u>Budget</u>	<u>Over/ (Under)</u>
Office of Chief Executive Officer	4	4	-
Human Resources	4	6	(2)
Communications	2	3	(1)
Information Systems	15	15	-
Central Records Management	3	3	-
Legislative Affairs	1	1	-
Office of Program Operations & Strategic Planning	2	2	-
Capital Planning & Program Operations	4	4	-
Design Studio	19	20	(1)
Grants Administration	11	13	(2)
Real Estate Services & Predevelopment	8	10	(2)
Vendor Development	5	5	-
Office of Construction Operations	0	2	(2)
Project Teams	32	34	(2)
Office of Corporate Governance & Legal Affairs	5	5	-
Chief Counsel	10	11	(1)
Safety	6	6	-
Internal Audit	3	4	(1)
Office of Chief Financial Officer	2	2	-
Financial Operations	8	11	(3)
Financial Accounting & Disbursements	13	13	-
Procurement	9	9	-
Risk Management	8	9	(1)
Property Management	4	4	-
Facilities	4	4	-
Total Full-Time Employees at Month End	<u>182</u>	<u>200</u>	<u>(18)</u>
Total Full-Time Employees at Year End		<u>205</u>	

New Jersey Schools Development Authority
Statement of Net Position
February 29, 2020

Excludes 2019 GASB 68 entries

8

	<u>Current Month End</u>	<u>2019 Year End</u>	<u>Over/ (Under)</u>
ASSETS			
Cash and Cash Equivalents	\$ 525,709,569	\$ 570,947,546	\$ (45,237,977)
Receivables	19,413	26,957	(7,544)
Prepaid Expenses	590,081	659,130	(69,049)
Capital Assets (Net of Accumulated Depr.)	1,053,709	1,082,884	(29,175)
Total Assets	<u>527,372,772</u>	<u>572,716,517</u>	<u>(45,343,745)</u>
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Amount for Pensions & OPEB	<u>16,474,095</u>	<u>16,474,095</u>	<u>-</u>
TOTAL ASSETS & DEFERRED OUTFLOWS OF RESOURCES			
	<u>\$ 543,846,867</u>	<u>\$ 589,190,612</u>	<u>\$ (45,343,745)</u>
LIABILITIES			
Accrued Project Costs	\$ 23,709,744	\$ 47,731,816	\$ (24,022,072)
Net Pension Liability	49,778,974	49,778,974	-
Accrued Other Post-Employment Benefits	27,970,477	27,629,217	341,260
Other Accrued Liabilities	4,378,953	4,468,682	(89,729)
Deposits	5,481,087	2,761,982	2,719,105
Total Liabilities	<u>111,319,235</u>	<u>132,370,671</u>	<u>(21,051,436)</u>
DEFERRED INFLOWS OF RESOURCES			
Deferred Amount for Pensions & OPEB	<u>23,818,546</u>	<u>23,818,546</u>	<u>-</u>
NET POSITION			
Invested in Capital Assets	1,053,709	1,082,884	(29,175)
Restricted for Schools Construction:			
Special Revenue Fund	<u>407,655,377</u>	<u>431,918,511</u>	<u>(24,263,134)</u>
Net Position	<u>408,709,086</u>	<u>433,001,395</u>	<u>(24,292,309)</u>
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES & NET POSITION			
	<u>\$ 543,846,867</u>	<u>\$ 589,190,612</u>	<u>\$ (45,343,745)</u>

New Jersey Schools Development Authority
Statement of Activities
February 29, 2020

Excludes 2019 GASB 68 entries

8

	<u>Current Year-To Date</u>	<u>2019 Year-To Date</u>	<u>Over/ (Under)</u>
REVENUES			
Program Revenues:			
Bond and Note Proceeds (Issued by EDA)	\$ -	\$ -	-
Bidding Fees-Plans & Specs	-	-	-
General Revenues:			
Investment Earnings	1,488,489	1,996,615	(508,126)
Rental Income	7,000	2,000	5,000
Other Revenue-OPRA	-	-	-
Total Revenues	<u>1,495,489</u>	<u>1,998,615</u>	<u>(503,126)</u>
EXPENSES			
Administrative & General Expenses	2,591,497	3,228,007	(636,510)
Capital Depreciation	29,175	30,057	(882)
School Facilities Project Costs	23,167,126	21,298,454	1,868,672
Total Expenses	<u>25,787,798</u>	<u>24,556,518</u>	<u>1,231,280</u>
CHANGE IN NET POSITION	(24,292,309)	(22,557,903)	(1,734,406)
Beginning of Period Net Position	<u>433,001,395</u>	<u>398,016,400</u>	<u>34,984,995</u>
NET POSITION END OF PERIOD	<u>\$ 408,709,086</u>	<u>\$ 375,458,497</u>	<u>\$ 33,250,589</u>

DESIGN CONTRACT DE-OBLIGATIONS REPORT *(no activity)*

PUBLIC COMMENT STATEMENT

We will now begin the Public Comment Portion of the Meeting consistent with the New Jersey Open Public Meetings Act.

We would ask that any member of the public who wishes to address the Board limit their comments to 3 minutes. If there are multiple individuals from the same organization or district who wish to address the Board on the same matter, we would ask that you come up together to offer your remarks.

Please keep in mind that public comment is to afford citizens the opportunity to comment on matters pertinent to the Authority's business. Should you seek answers to questions on any topic, please contact the Authority at 609-943-4585 at your convenience.