

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD TELECONFERENCE MEETING
WEDNESDAY, NOVEMBER 4, 2020 AT 9:00 A.M.**

1. NOTICE OF PUBLIC MEETING

2. ROLL CALL

3. APPROVAL OF MEETING MINUTES

- a. Board Open Session Meeting Minutes of October 7, 2020

4. AUTHORITY MATTERS

- a. CEO Report
- b. Chairman's Report

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

- a. Broker Services for Business and Real Estate Property and Casualty Insurance Program

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

- a. Company Name: Catcord Construction Company, Inc.
District: Camden City Public Schools
Contract NO: CA-0022-C02
PMF/CM: NJSDA Managed
School Name: Cooper B. Hatch Middle School (Swing Space for Camden High School)
Change Order No.: 1
Reason: Credit Change Order to Deobligate Unused Contract Funds
Amount: (\$172,931.94)
Time Extension: NA
Contract Status: 59.82% Paid to Date
Occupancy Date: N/A (this Change Order applies to a school that is presently occupied)
- b. Company Name: Ernest Bock and Sons, Inc.
District: Camden City School District
CM: CBRE|Heery
School Name: Camden High School
Contract No.: CA-0022-B01
Change Order No: 6
Reason: Owner Initiated
Amount: \$0.00
Contract Status: 52.73% Paid to date against the Current Total Contract Value
Substantial Completion Date: July 1, 2021
Anticipated Occupancy Date: September 2021
- c. Adoption of New Rules for OPRA Compliance: Notice of Adoption – Requests for Access to Government Records, N.J.A.C. 19:33

7. REPORT AND RECOMMENDATIONS OF THE REAL ESTATE COMMITTEE (CHAIRMAN’S REPORT) – TO BE PROVIDED IN EXECUTIVE SESSION

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. Recommendation for Extension of Deadlines in Connection with Property Transferred to the City of Newark
- 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

OCTOBER 7, 2020 OPEN SESSION MINUTES

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS TELECONFERENCE MEETING
WEDNESDAY, OCTOBER 7, 2020**

A teleconference meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, October 7, 2020 at 9:00 A.M.

Participating by teleconference were:

Mario Vargas, Vice Chairman

Michael Kanef (Treasury)

Bernard Piaia (DOE)

David Nuse (EDA)

Kevin Luckie (DCA)

Kevin Egan

Richard Elbert

Loren Lemelle

Lester Lewis-Powder

Michael Maloney

being a quorum of the Board.

At the Vice 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; and Sean Murphy, director, of the SDA, participated in the meeting by teleconference. Joy Johnson of the Governor's Authorities Unit (GAU) also participated in the meeting by teleconference.

In the absence of the Chairman, Mr. Nixon, the meeting was called to order by the Vice Chairman of the Board, Mr. Vargas. The Vice 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. She said that a call-in number was provided on the SDA Website so that members of the public could participate in the meeting by teleconference. She also advised the Members that the call-in number for the meeting was posted at the SDA offices earlier in the morning. Ms. Kelly then conducted a roll call and indicated that a quorum of the Board Members was present.

Approval of Meeting Minutes

The Vice Chairman presented for consideration and approval the minutes of the Board's September 2, 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. Luckie, seconded by Ms. Lemelle, and with Mr. Nuse abstaining, the Open Session minutes of the September 2, 2020 SDA Board meeting were approved by the Board with the Members' vote in favor of the resolution attached hereto as ***Resolution 3a.***

Next, Mr. Vargas presented for consideration and approval the minutes of the Board's September 2, 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. Piaia, seconded by Mr. Kanef, and with Mr. Nuse abstaining, the Executive Session meeting minutes of the September 2, 2020 SDA Board meeting were approved by the Board upon its vote in favor of the resolution attached hereto as ***Resolution 3b.***

Authority Matters

CEO Report

The Vice Chairman then asked Mr. Da Silva for the Report of the CEO. Mr. Da Silva began his report with an update on fall 2020 school deliveries. He informed the Members that the SDA's school deliveries for fall 2020 include three new schools (East Orange Sheila Y.

Oliver ES; Pemberton Denbo-Crichton ES; and Harrison Kennedy ES) and one major addition (Millville Senior HS). He said that these schools-- three of which have been delivered with the fourth targeted for later this month-- represent a State investment totaling approximately \$178 million in total project costs and delivering a total of 2660 new seats and 360,800 square feet.

With respect to design-build projects in the design phase, he said that for the Perth Amboy HS project, the design-builder has received comments from the Department of Community Affairs and is responding. He added that soil placement and temporary retaining wall work has begun. He reported that staff has authorized the construction manager to begin procurement of a required Special Inspections Firm in support of schedule projections for project activities for the Plainfield Woodland ES project.

Turning to design-build projects in construction. Mr. Da Silva said that design phase services activities are ongoing for the Paterson Union Avenue MS project, with the final package submission made on September 28. He added that all mechanical, electrical and plumbing (MEP) work is ongoing and roofing work has commenced. For the Passaic Dayton Avenue Educational Campus project, he said that window and curtain wall installation is reaching completion to enclose the building for winter.

With respect to design-bid-build projects in the construction stage, Mr. Da Silva informed the Members that for the Keansburg Port Monmouth Road School project, the construction manager, Niram Inc., has mobilized to the site and begun Phase 1 work which includes asbestos abatement activities. He then reported that footings and foundations are complete, underground utility and masonry work is ongoing, and structural steel is scheduled to start this month for the Orange Cleveland Street ES project. He noted that a change order recommendation for this project is on today's agenda for Board review. He added that the scope is additional interior renovation of the existing building as well as additional asbestos and lead based paint removal.

For the Orange HS project, he reported that masonry and MEP rough in work for the addition is ongoing, and site underground utility and storm drainage work is complete. He said that roofing work at the existing school is complete and work for the addition is ongoing. He added that summer 2020 interior renovations are complete.

Next, Mr. Da Silva gave an update on projects in the programming stage. He said that SDA is reviewing a report submitted by DRC, the design consultant, which provides options that recognize application of the educational program for the Hoboken Demarest ES project.

Turning to events, outreach and other activities, Mr. Da Silva reported that the following day (October 8) he would be representing the Authority at a ribbon cutting ceremony in Pemberton. He said that these are extraordinary times and, unlike previous years when SDA would be turning our new facilities over to districts amidst fanfare, community tours and ribbon cuttings.

Mr. Da Silva then informed the Members that the previous day (October 6) the SDA kicked off the 2020 Virtual Small Business Training Program. He said that he wanted to thank the participants for taking the time out of their busy schedules to participate in the program and also the SDA team who, in these challenging times, converted the program to a virtual presentation in order to continue to make it available.

Mr. Da Silva advised the Members that a large majority of staff continues to work from home and from the field. He said that there are staff that come to the office on Mondays, Wednesdays and Fridays to pick up mail, file or do other jobs as needed.

Audit Committee

Network, Hardware and Software Support Services Contract Award

Next, the Vice Chairman provided the report of the Audit Committee. He said that the Audit Committee met on September 21, 2020 at which time management provided the

Committee with the August 2020 New Funding Allocation and Capital Plan Update. He said that staff had informed the Committee that there were no changes in the reserve balances for the SDA Districts during the reporting period.

He then advised the Board that the reserve balance for the Regular Operating Districts (RODs) increased by \$2.1 million during the reporting period due to a reduction in state share for grant projects nearing completion.

Next, Mr. Vargas provided the August 2020 Monthly Financial Report. He advised the Members that the Authority's operating expenses (Actual vs. Budget) for the year-to-date period total \$9.9 million, \$2.5 million lower as compared to the budget for the corresponding period. He explained that this decrease is mainly attributable to lower personnel costs and lower expenses related to professional and other contracted services, facilities and general expenses, and information systems. He reported that year-to-date Authority operating expenses (Actual vs. Prior Year Actual) are \$2.3 million lower as compared to the operating budget for the corresponding prior year period. He explained that this decrease is mainly attributable to SDA having 34 fewer FTEs than in the previous year. Mr. Vargas then reported that school facilities project expenditures (Actual vs. Forecast) for the year-to-date period total \$192 million, \$20.8 million lower as compared to the capital spending forecast for the corresponding period. He advised that this variance is the result of lower than forecasted expenditures in grant activity, construction activity, and property acquisitions, offset by an increase in school furniture purchases. He reported that project expenditures (Actual vs. Prior Year Actual), at \$192 million, are \$8.4 million lower as compared to the corresponding prior year period. He explained that the variance is due to a decrease in grant activity, school furniture purchases, and payroll expense allocation to project expenditures, offset by an increase in design services, construction activity and project insurance. Mr. Vargas then reported that, since program inception, approximately

87.8% of the funds authorized for SDA districts have been disbursed. Additionally, he said that, since program inception, 96% of all SDA disbursements relate to school facilities projects, while 4% relate to operating expenses. He advised the Board that the estimated value of active school facilities capital, emergent and regular operating district grant projects is approximately \$2 billion.

Mr. Vargas then presented the proposed contract award for Network, Hardware and Software Support Services (the Services) which had been considered and advanced by the Committee. He advised the Members that the SDA has used the services of an outside firm to provide critical network, hardware and software maintenance services in order to avoid critical systems failures that lead to excessive network or extended system outages. He said that these Services, which include on-site technical support and consulting services, were last competitively procured in 2016 and that the current engagement will expire in October 2020. He reported that, following a competitive procurement process, management recommends the award of a three-year contract to Stellar Services. He advised that the term may be extended for 1 additional year at the sole discretion of the SDA. He noted that the negotiated total compensation for the engagement will not exceed \$1 million. Mr. Vargas said that the Committee recommends that the Board approve the contract award to Stella Services for Network, Hardware and Software Support Services.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion duly made by Mr. Kanef and seconded by Mr. Luckie, the Network, Hardware and Software Support Services Contract was approved with the Board's unanimous vote in favor of *Resolution 5a*.

School Review Committee

Site Consultant Services – GP-0270-L01; State-Wide Relocation Consultant Services - GP-0274-R01; Resolving Change Order No. 5 and Revised Final Project Charter – Brockwell and Carrington Contractors, Inc.; Extension of Existing Regulations - Notice of Re-adoption Without Amendments: N.J.A.C. 19:38 - Procedures For Low-Bid Procurement Of Construction Contracts For School Facilities Projects; Extension of Existing Regulations - Notice of Re-adoption Without Amendments: N.J.A.C. 19:38B - Procedures For Price And Other Factors Procurement Of Construction Contracts For New School Facilities Projects; Extension of Existing Regulations - Notice of Re-adoption Without Amendments: N.J.A.C. 19:38A - Procedures for Prequalification of Contractors and Professional Services Consultants for the New Jersey Schools Construction

Mr. Vargas asked Mr. Luckie to provide the report of the School Review Committee (SRC). Mr. Luckie reported that the SRC met on September 21, 2020 at which time six items were discussed. He informed the Members that management is recommending Board approval of awards for Site Consultant Services for School Facilities Project. He explained that, since 2003, the SDA has engaged a group of firms to provide environmental and site feasibility investigation and environmental site closure services. He advised that the current task order contracts will expire in January 2021 and SDA management is now seeking Board approval to award contracts to twelve firms thereby creating a new pool of firms with the experience and qualifications to successfully perform the required services. He said that the contracts' terms would be three years and that the amount of each of the twelve individual contracts would not exceed \$3,000,000 over that 3 year term. Mr. Murphy added that, pursuant to the current contract to date, SDA has issued task orders of approximately \$300,000 over the previous three years.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion duly made by Mr. Vargas, and seconded by Mr. Kanef, the Board approved the contract awards for Site Consultant Services for School Facilities Projects with its unanimous vote in favor of **Resolution 6a**.

Mr. Luckie said that the Committee also is recommending Board approval of a contract award for State-Wide Relocation Consultant Services. He explained that, since 2003, SDA has procured and engaged a contractor for state-wide relocation consultant services. He said that the Authority's current contract will expire in December 2020 so management is requesting that the Board approve the award of a contract to O.R. Colan Associates, the incumbent firm, who has the experience and qualifications to perform the services. He advised that management's recommendation follows completion of a single-step procurement process that began on July 24, 2020. He added that the rates to be paid to the contractor are detailed in the Board memorandum and the engagement is in the not-to-exceed amount of \$3,000,000 over the three year term of the contract.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion duly made by Mr. Nuse, and seconded by Mr. Maloney, the Board approved the recommended contract award for State-Wide Relocation Consultant Services with its unanimous vote in favor of ***Resolution 6b***.

Next, Mr. Luckie reported that management is also seeking approval of resolving change order (CO) No. 5, a revised final project charter and reestablishment of the Construction Contract Value in connection with the Orange Cleveland ES project (Project). He informed the Members that the SDA is advancing an addition and renovation project at the Orange Cleveland Street ES, a 38,750 square foot facility educating 306 students in grades Kindergarten to 7. He said that the Project scope will include an approximately 11,550 square foot addition and renovations to the existing facility to address overcrowding. He said that this will allow the District to effect a change in grade alignment to Pre-K through grade 6 consistent with its approved Long Range Facilities Plan. He explained that an investigation of the facility, which was occupied at the time, was performed within the appropriate parameters for an occupied facility. Mr. Luckie reported

that on March 6, 2019, the Board approved the Project's final charter and an award to Brockwell & Carrington Contractors, Inc. (Brockwell) for construction services. He explained that, prior to the start of construction, Brockwell was contractually required to perform a constructability review to identify any potential conflicts in the Project documents, to confirm that existing site conditions are as represented in the contract documents, and to identify the respective costs to address them. He further explained that, after the Authority authorized Brockwell to proceed with the constructability review but before issuance of the notice-to-proceed with construction, previously unidentified deficiencies were revealed within the existing Cleveland Street ES facility after abatement and demolition work was completed at the site. He noted that the identified conditions are not conditions that reasonably would be expected to have been revealed during the course of the constructability review. He reported that on January 14, 2020, the SDA sought a proposal from Brockwell for the cost of the work associated with addressing the identified conditions. Mr. Luckie advised the Board that on August 18, 2020, Brockwell submitted a price proposal for the work that was reviewed and ultimately negotiated by the parties resulting in a final lump sum value of approximately \$1.2 million to address the work. Mr. Luckie advised the Members that in order to avoid impacts to the Project schedule, on August 13, 2020, management issued a \$0.00 construction change directive (CCD) to Brockwell with the result that resolving CO No. 5 is necessary to compensate Brockwell for the work performed pursuant to the CCD. He said that, in addition to addressing the costs associated with the CCD, CO No. 5 will also provide the funds necessary to effect an increase to Allowance No. 3 (the hazardous materials abatement and related activities allowance) in the approximate amount of \$400,000. He added that approval of this CO, when combined with prior COs, will fully deplete the contingency contained within the project's final charter, thus necessitating a revision to the charter. He said that management is also recommending that the Board approve

the reestablishment of the construction contract value for this existing engagement for the purpose of application of ongoing Operating Authority requirements, with the reestablished value to be the contract value inclusive of CO Nos. 1 to 5 for a total adjusted construction contract value of approximately \$20,420,000.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion duly made by Mr. Vargas, and seconded by Mr. Elbert, the Board approved resolving change order No. 5 for Brockwell & Carrington, proposed revisions to the final project charter and reestablishment of the Construction Contract Value as proposed, with its unanimous vote in favor of ***Resolution 6c.***

Next, Mr. Luckie said that the Board is requested to approve an extension of 3 existing SDA rules without amendments. He explained that each Rule is due to expire shortly and that, for this reason, SDA management sent a notice of re-adoption to the state Office of Administrative Law to extend the expiration dates of all 3 Rules. He noted that the processing of the re-adoption and extension of the Rules is suspended pending the Board's ratification of the notices. He advised the Board that, while the notice of re-adoption effects re-adoption of the 3 Rules and therefore, automatically extends the Rules for the normal 7 year rule duration, management intends in short order to develop any amendments needed to correct or improve the Rules, and to submit any proposed amendments to external parties for review and validation, before seeking approval from the Board for a proposed re-adoption of the Rules with amendments. He noted that he would present each of the Rules separately for Board consideration.

Mr. Luckie said that the first set of Rules govern procedures for Low-Bid Procurement of Construction Contracts for School Facilities Projects. He said that these Rules were approved by the Board for final adoption on November 6, 2013. He added that they were formally published

in the New Jersey Register on November 8, 2013 and will expire on November 8, 2020. He explained that the Rules establish requirements, standards and procedures for the SDA's procurement of construction contracts on a "low bid" basis, including the use of the project rating proposal process and the procedures for contractor performance evaluations.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion duly made by Mr. Vargas, and seconded by Mr. Elbert, the Board approved the extension without amendments of SDA's existing regulations pertaining to Procedures for Low-Bid Procurement of Construction Contracts for School Facilities Projects, and ratified management's filing of the Notice of Re-adoption with its unanimous vote in favor of ***Resolution 6d***.

Mr. Luckie advised the Members that the second Rule pertains to Procedures for the Price and Other Factors Procurement of Construction Contracts for New School Facilities Projects. He said that these Rules establish requirements, standards and procedures for the SDA's procurement of construction contracts on a "price and other factors" basis for "new construction" projects in the Authority's capital program. He said that the existing Rules were approved by the Board for final adoption on August 7, 2013, formally published in the New Jersey Register on October 7, 2013 and are due to expire on October 7, 2020.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion duly made by Mr. Vargas, and seconded by Mr. Elbert, the Board approved the proposed extension without amendments of SDA's existing Regulations involving the Price and Other Factors Procurement of Construction Contracts for New School Facilities Projects and ratified management's filing of the Notice of Re-adoption with its unanimous vote in favor of ***Resolution 6e***.

In continuing, Mr. Luckie reported that the third set of Rules involves Procedures for Prequalification of Contractors and Professional Services Consultants for the New Jersey Schools Construction Program. He explained that these Rules govern the procedures for pre-qualification of contractors, sub-contractors, professional services consultants and sub-consultants seeking to participate in school facilities projects. He noted that they also provide the requirements and standards for pre-qualification, grounds for denial or revocation of pre-qualification, and protest and appeal procedures for the pre-qualification process. He said that the Rules are for the purpose of ensuring that only qualified contractors and professional services consultants of moral integrity are permitted to provide construction services, professional services, and other goods and services for school facilities projects. He added that the Board approved these Rules for final adoption on November 6, 2013. He advised the Board that the Rules were formally published in the New Jersey Register on January 6, 2014 and are scheduled to expire on November 8, 2020.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion duly made by Mr. Vargas, and seconded by Mr. Elbert, the Board approved the proposed extension without amendments of SDA's existing Regulations involving Prequalification of Contractors and Professional Services Consultants for the New Jersey Schools Construction Program and management's filing of the Notice of Re-adoption with its unanimous vote in favor of *Resolution 6f*.

Public Comments

Mr. Vargas then opened the Public Comments portion of the meeting. No member of the public stepped forward to address the Board.

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 October 7, 2020 meeting.

/s/ Jane F. Kelly
Assistant Secretary

Resolution—3a.**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 October 7, 2020 Board meeting of the New Jersey Schools Development Authority, for the Open Session were forwarded to the Governor on October 7, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the minutes of the New Jersey Schools Development Authority's October 7, 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: November 4, 2020

AUTHORITY MATTERS

CEO REPORT

CHAIRMAN'S REPORT

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

**BROKER SERVICES FOR BUSINESS AND REAL ESTATE PROPERTY AND
CASUALTY INSURANCE PROGRAM**



32 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

Karon Simmonds
 Director, Risk Management

DATE: November 4, 2020

SUBJECT: Approval of Award
 Package No. GP-0271-R01
 Broker Services for the Business and Real Estate Property and Casualty Insurance Program

INTRODUCTION

The Members of the Authority are requested to approve the award of a contract to The Safegard Group, Inc. ("The Safegard Group") for the placement and servicing of NJSDA's Business and Real Estate Property and Casualty Insurance Program. The contract term is three (3) years, inclusive of two (2) renewal years. The contract will have a total not-to-exceed amount of \$1,560,000.00, or \$520,000.00 annually. Prior to presenting this memorandum to the Board for approval of award, a copy of The Safegard Group's complete RFP Proposal, inclusive of limits, coverages and optional considerations for the initial policy term commencing on December 14, 2020, was provided to the Audit Committee for their review and recommendation.

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.

DESCRIPTION

The NJSDA has maintained a combined property and casualty insurance program for its business and real estate activities separate from its construction activities. The NJSDA is again seeking to engage a Broker with the expertise to design a combined program that provides the broadest coverage at the most cost effective price. The selected Broker shall be responsible for the placement and servicing of the NJSDA's Business and Real Estate Property and Casualty Insurance Program with the initial one-year policy term commencing on December 14, 2020 at 12:01 a.m. In the ensuing two years, the selected Broker shall be responsible for placing and servicing succeeding programs with policy terms commencing on December 14, 2021 and December 14, 2022, respectively. In addition, the selected Broker may be consulted to assess and/or procure additional risk and insurance needs as deemed necessary by the NJSDA.

PROCUREMENT PROCESS

In accordance with NJSDA regulations, the NJSDA employed a two-step process for this procurement. The first step was the issuance of a Request for Qualifications ("RFQ") and evaluation of all responsive submissions, inclusive of interviews, in order to shortlist the three (3) highest-ranked firms. The second step was the issuance of a Request for Proposals ("RFP") to the shortlisted firms and evaluation of all responsive submissions.

The RFQ was advertised beginning on May 14, 2020 on the NJSDA website, 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.

A Selection Committee consisting of three (3) NJSDA staff members and one (1) alternate was established.

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 Broker Services for the Business and Real Estate Property and Casualty Insurance Program
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Qualifications Proposals were received from four (4) firms by June 17, 2020. The Qualifications Proposals were evaluated by the Selection Committee. Evaluations were based upon the information provided by the firms in response to the RFQ for this procurement. The Selection Committee members independently evaluated the Qualifications Proposals based on the following criteria:

- Understanding of the Purposes of this Engagement;
- Firm Experience;
- Team Structure and Key Team Members Experience and Qualifications; and
- Approach to Providing the Required Scope of Services.

Each Selection Committee member evaluated each Qualifications 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 requirements with no deficiencies.
- Sufficient (5-6): meets RFQ requirements with no significant deficiencies.
- Minimal (3-4): meets RFQ requirements but contains some significant deficiencies.
- Marginal (1-2): comprehends intent of RFQ 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
Understanding of the Purposes of this Engagement	1.0	10
Firm Experience	3.0	30
Team Structure and Key Team Members Experience and Qualifications	3.0	30
Approach to Providing the Scope of Services	3.0	30
Total Possible Points		100

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

TABLE 2

Firm	Qualifications Proposal Score	Qualifications Proposal Rank
The Safeguard Group, Inc.	86.667	1
Willis Towers Watson Northeast, Inc.	71.000	2
Arthur J. Gallagher Risk Management Services, Inc.	54.000	3
Borden-Perlman Insurance Agency, Inc.	48.667	4

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Interviews were held with each of the responding firms on June 29, 2020. The interviews allowed the firms to expand and detail their firm and team experience with respect to NJSDA requirements for Broker Services. The Selection Committee interviewed and evaluated each firm on Interview Criteria and Weighting Factors that were the same as those used in the evaluation of the Qualifications 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 an Interview Score for each firm. The responding firms, their scores and rankings are listed in Table 3 below:

TABLE 3

Firm	Interview Score	Interview Rank
The Safeguard Group, Inc.	88.000	1
Willis Towers Watson Northeast, Inc.	59.667	2
Borden-Perlman Insurance Agency, Inc.	52.667	3
Arthur J. Gallagher Risk Management Services, Inc.	45.000	4

The Qualifications Proposal Score and the Interview Score assigned to each firm were added together and averaged to obtain a firm's Intermediate Combined Score. The maximum Intermediate Combined Score is 100. The responding firms, their scores and rankings are listed in Table 4 below:

TABLE 4

Firm	Intermediate Combined Score	Intermediate Combined Rank
The Safeguard Group, Inc.	87.333	1
Willis Towers Watson Northeast, Inc.	65.333	2
Borden-Perlman Insurance Agency, Inc.	50.667	3
Arthur J. Gallagher Risk Management Services, Inc.	49.500	4

The RFQ stipulated that the three (3) firms receiving the highest Intermediate Combined Scores would be placed on a shortlist and invited to respond to the RFP. The RFP was issued to the shortlisted firms on July 2, 2020. Coverage and Price Proposals were received from two (2) firms by September 18, 2020. The Coverage Proposals were evaluated by the Selection Committee based on the following criteria:

- Overall Program Design;
- Limits and Coverages per the Coverage Specifications;
- Public Officials'/Employment Practices Liability; and
- Deductibles/Self-Insured Retentions.

Each Selection Committee member evaluated each Coverage 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 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.

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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 5 below:

TABLE 5

Criteria	Weighting Factor (Applied to Raw Score)	Maximum Weighted Points
Overall Program Design	3.0	30
Limits and Coverages per the Coverage Specifications	3.0	30
Public Officials'/Employment Practices Liability	3.0	30
Deductibles/Self-Insured Retentions	1.0	10
Total Possible Points		100

For each firm's Coverage Proposal, the individual criteria scores awarded by a particular Selection Committee member were added together to calculate a score for that Coverage Proposal. The maximum Coverage Proposal Score is 100. All of the scores awarded by the Selection Committee members to a particular firm's Coverage Proposal were added together and averaged to arrive at a Coverage Proposal Score for each firm. The responding firms, their scores and rankings are listed in Table 6 below:

TABLE 6

Firm	Coverage Proposal Score	Coverage Proposal Rank
The Safeguard Group, Inc.	81.667	1
Willis Towers Watson Northeast, Inc.	8.667	2

For this procurement, the Coverage Proposal Score was weighted as 40% of the Final Combined Score, and the Qualifications Proposal Score and the Interview Score were each weighted as 30% of the Final Combined Score. The maximum point total of all three scores combined is 100. The responding firms, their scores and rankings are listed in Table 7 below:

TABLE 7

Firm	Final Combined Score	Final Rank
The Safeguard Group, Inc.	85.067	1
Willis Towers Watson Northeast, Inc.	42.667	2

The highest-ranked firm was The Safeguard Group, Inc.

The Price Proposals, which had been kept separate and sealed, were then opened on September 25, 2020. The RFP required the firms to provide a breakdown of the Annual Premiums, inclusive of broker commissions, by each line of insurance coverage specified in the Scope of Services.

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The responding firms' proposed Annual Premiums for each line of insurance coverage for the initial policy year commencing on December 14, 2020, inclusive of broker commissions, are listed in Table 8 below¹.

TABLE 8

Coverage	Proposing Broker and Annual Premiums	
	The Safeguard Group	Willis Towers Watson
Business Personal Property	\$21,184.60	Range: \$50,000 - \$70,000
Commercial General Liability - Business	\$10,857.00	Included in Business Personal Property
Commercial General Liability - Real Estate	\$10,670.00	Included in Business Personal Property
Automobile	\$38,289.37	Range: \$45,000 - \$53,000
Workers' Compensation	\$78,302.00	Range: \$135,000 - \$149,000
Umbrella Liability (1) \$25,000,000 Primary Limit (2) \$ 5,000,000 Excess Limit	(1) \$37,867.00 (2) \$ 6,270.00	Range: \$50,000 - \$65,000
Public Officials' Liability (1) \$15,000,000 Primary Limit (2) \$10,000,000 Excess Limit	(1) \$207,000.60 (2) \$ 75,901.69	Range: \$350,000 - \$450,000
Employment Practices Liability	Included in Public Officials' Liability	Included in Public Officials' Liability
Cyber Liability	Included in Public Officials' Liability	Included in Public Officials' Liability
Workplace Violence / Active Shooter	\$4,403.00	\$12,591.00
Employee Dishonesty	\$6,010.93	\$6,376.00

The proposed pricing is based on the NJSDA's insurable exposures as disclosed in the RFP for each type of coverage; however, for certain insurance policies, premiums are adjustable to account for changes in exposures that occur during the policy term including, for example, fluctuations in NJSDA's real estate inventory, automobile inventory, business property inventory including improvements, and audited payroll amounts. After reviewing and analyzing both Price Proposals, including reviewing in contrast to the current program, NJSDA Risk Management staff requested that The Safeguard Group, which was the highest ranked firm, attempt to achieve lower premiums on certain lines of insurance coverage. This effort resulted in only minor premium reductions in three lines of coverage. The revised Annual Premiums for the initial policy year commencing on December 14, 2020, inclusive of broker commissions, and the associated Insurance Carriers for each line of coverage, are listed in Table 9 below:

¹ Although Willis Towers Watson did provide firm quotes on certain lines of insurance coverage, there were several lines of coverage where they only provided indicative pricing, presented as a range, which is neither firm nor binding. Similarly, their Coverage Proposal for these lines of insurance did not include coverage specifications which is reflected in the scoring of their proposal in Table 6 above.

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TABLE 9

Coverage	Annual Premiums	Insurance Carrier ²
Business Personal Property	\$21,184.60	Chubb
Commercial General Liability - Business	\$10,857.00	Chubb
Commercial General Liability - Real Estate	\$10,670.00	Chubb
Automobile	\$38,289.37	Chubb
Workers' Compensation	\$77,869.00	Chubb
Umbrella Liability (1) \$25,000,000 Primary Limit (2) \$ 5,000,000 Excess Limit	(1) \$37,867.00 (2) \$ 6,189.00	CNA Travelers
Public Officials' Liability (1) \$15,000,000 Primary Limit (2) \$10,000,000 Excess Limit	(1) \$207,000.60 (2) \$ 72,396.79	Chubb Ironshore
Employment Practices Liability	Included in Public Officials' Liability	Chubb Ironshore
Cyber Liability	Included in Public Officials' Liability	Chubb
Workplace Violence / Active Shooter	\$4,403.00	Indian Harbor
Employee Dishonesty (New)	\$6,010.93	Travelers

RECOMMENDATION

The Members of the Authority are requested to approve the NJSDA contracting with The Safeguard Group, Inc. for a not-to-exceed amount of \$1,560,000.00, or \$520,000.00 annually, for the placement and servicing of NJSDA's Business and Real Estate Property and Casualty Insurance Program. The contract term is for a total of three (3) years, inclusive of two (2) renewal years. The requested annual not-to-exceed amount is based on the Annual Premiums listed in Table 9 (\$492,737.29) for the policy year commencing on December 14, 2020, and includes an annual allowance of approximately 5.5%, if needed, to account for potential exposure increases to arrive at an annual not-to-exceed value of \$520,000.00. The not-to-exceed values for the two renewal years are estimated to be approximately the same and are included in the recommendation.

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

² The identified Insurance Carrier for each line of insurance coverage is subject to change for the two renewal years. NJSDA staff will work with The Safeguard Group to obtain the best coverage at the lowest premiums for the Authority; if coverage for either of the renewal years cannot be obtained within the recommended annual not-to-exceed amount, NJSDA staff will be required to seek further Board approval for the increased amount.

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/s/ Sean Murphy
Sean Murphy, Director, Procurement

/s/ Karon Simmonds
Karon Simmonds, Director, Risk Management

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

Resolution—5a.

Approval of Award
Package No. GP-0271-R01
Broker Services for the Business and Real Estate Property and Casualty Insurance Program

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority approve contracts for Goods and Services exceeding \$100,000; and

WHEREAS, the SDA has maintained a combined property and casualty insurance program for its business and real estate activities separate from its construction activities; and

WHEREAS, the Authority is again seeking to engage a broker with the expertise to design a combined program that provides the broadest coverage at the most cost effective price; and

WHEREAS, as fully described in the memorandum presented to the Board on this date, the selected broker shall be responsible for the placement and servicing of the Authority's Business and Real Estate Property and Casualty Insurance Program with the initial one-year policy term commencing on December 14, 2020; and

WHEREAS, during the ensuing two years, the selected broker shall be responsible for placing and servicing succeeding programs with policy terms commencing on December 14, 2021 and December 14, 2022 respectively, and may be consulted to assess and/or procure additional risk and insurance needs as deemed necessary by the SDA; and

WHEREAS, the Authority employed a two-step competitive process to obtain the services of a broker and, at its conclusion, management recommends that the SDA contract with The Safeguard Group, Inc. for a three year term, inclusive of two renewal years; and

WHEREAS, a description of the procurement process followed and the terms and financial details pertinent to the engagement are comprehensively set forth in the memorandum presented to the Board on this date; and

WHEREAS, prior to execution of the contract with The Safeguard Group, Inc., the contract and related documentation shall be reviewed and approved by the SDA Division of Chief Counsel.

NOW, THEREFORE, BE IT RESOLVED that, consistent with the provisions of the memorandum presented to the Board on this date, the Members of the Authority hereby authorize the SDA to contract with The Safeguard Group, Inc. for the placement and servicing of the Authority's Business and Real Estate Property and Casualty Insurance Program.

BE IT FURTHER RESOLVED that, prior to execution of the contract, the contract and related documentation shall 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, Business and Real Estate Property & Casualty Insurance Program,
GP-0271-R01, dated November 4, 2020

Dated: November 4, 2020

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

**CREDIT CHANGE ORDER NO. 1 - CATCORD CONSTRUCTION COMPANY, INC. -
CAMDEN CITY PUBLIC SCHOOL DISTRICT- COOPER B. HATCH MIDDLE
SCHOOL**

STATE OF NEW JERSEY
SCHOOLS DEVELOPMENT AUTHORITY**MEMORANDUM**

TO: Members of the Authority

FROM: Andrew Oakley, Program Director, Construction Operations

DATE: November 4, 2020

SUBJECT: Credit Change Order – Catcord Construction Company, Inc.

COMPANY NAME:	Catcord Construction Company, Inc.
DISTRICT:	Camden City Public Schools
CONTRACT NO:	CA-0022-C02
PMF/CM:	NJSDA Managed
SCHOOL NAME:	Cooper B. Hatch Middle School (Swing Space for Camden High School)
CHANGE ORDER NO.:	1
REASON:	Credit Change Order to Deobligate Unused Contract Funds
AMOUNT:	(\$172,931.94)
TIME EXTENSION:	NA
CONTRACT STATUS:	59.82% Paid to Date
OCCUPANCY DATE:	N/A (this Change Order applies to a school that is presently occupied)

INTRODUCTION

I am writing seeking approval by the Members of the Authority for Credit Change Order Number 1 (CO 1) in the total credit amount of \$172,931.94. The dollar value of the credit for Contract Number CA-0022-C02 represents labor efficiencies and work not needed in addressing water intrusion conditions at the roof of the Cooper B. Hatch Middle School (Hatch MS) in the Camden City School District. A Credit Change Order is the accounting mechanism by which the NJSDA de-obligates a contract's unused funds.

In accordance with the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, Board approval is required for any Credit Change Order which singularly exceeds \$500,000.00 or 10% of the Contract value. This Change Order singularly exceeds 10% of the Contract value.

BACKGROUND

Hatch MS, built in 1848 with several additions, is an approximately 68,000 square foot facility in the Camden City School District. Hatch MS is currently serving as temporary space to educate approximately 550 Camden High School students, relocated from the former Camden High School while the new Camden

Members of the Authority
Credit Change Order Number 1 – Catcord Construction Company, Inc.
Cooper B. Hatch Middle School
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High School is being constructed. The new Camden High School is scheduled for delivery for September 2021 occupancy.

NJSDA staff observed conditions at the Hatch MS that included water intrusion after rain events, prevalent throughout the school. In order to better identify the roof area that needed to be addressed, an infrared flat roof moisture survey was conducted on the entire modified-bitumen flat roof at Hatch MS in August 2019.

As a result of the infrared flat roof moisture survey, the NJSDA determined to engage a General Contractor through the NJSDA's General Construction Task Order (GCTO) Contract to perform repairs to the flat roof in order to stop the ongoing water intrusion. The scope of work for the GCTO was designed in-house by NJSDA Design Studio.

The NJSDA engaged Catcord Construction Company, Inc. (Catcord) on May 1, 2020, with a schedule that required the work to be performed in June and July 2020 during the summer break, when the school was not occupied. The Project reached substantial completion on July 21, 2020.

REASON FOR CHANGE

This contract was issued for a Not-To-Exceed (NTE) value of \$480,049.00, with actual costs determined based upon expended Time & Material. The scope represented by the NTE included repairs to the existing flat roof surface areas and other locations to stop active water infiltration during rain events as well as the relocation of an air conditioner condenser unit on the upper roof, if necessary.

The value of the Credit Change Order represents cost effectiveness in terms of labor efficiencies. It was anticipated that construction would take 8 weeks. Since the work was weather dependent, rain days were built into the schedule and the associated NTE value. Due to favorable weather conditions, construction was completed in 6 weeks. Additionally, it was discovered that the air conditioner condenser unit on the upper roof did not need to be relocated in order to repair the roof. Rather, the air conditioner condenser unit was disconnected and removed so the roof around it could be repaired. The condenser unit was then reinstalled on the existing curb and reconnected. As of July 22, 2020, Catcord has completed all repairs to the existing flat roof surface at Cooper B. Hatch Middle School and demobilized from the site. This Credit CO 1 is necessary for the de-obligation of the unused contract funds to advance contract close-out.

All documents supporting this Credit Change Order have been reviewed by the associated NJSDA project team members including Contract Management Division for adherence to current NJSDA policy and procedures. All reviewing NJSDA staff members have determined that this Credit Change Order is justified and that the amount is reasonable and appropriate.

Members of the Authority
 Credit Change Order Number 1 – Catcord Construction Company, Inc.
 Cooper B. Hatch Middle School
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CALCULATIONS

a.	Original Contract Amount	\$	480,049.00
b.	Change Orders to Date (Prior Allowance De-obligations)	\$	-
c.	Proposed Change Order Amount	\$	(172,931.94)
d.	Total Change Orders to Date including this Change Order (Total of Line (b.) and Line (c.))	\$	(172,931.94)
e.	Percentage Change to Original Contract (Line (d.) represents a percent of Line (a.))		36.02%
f.	Proposed Adjusted Contract Price (Line (a.) plus Line (d.))	\$	307,117.06

RECOMMENDATION

The Members of the Authority are requested to approve the credit change order in the total credit amount of \$172,931.94. In accordance with the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, any credit change order which singularly exceeds \$500,000.00 or 10% of the Contract value requires approval by Members of the Authority. This credit change order singularly exceeds 10% of the Contract value.

Recommended by:

/s/ Andrew Oakley

Andrew Oakley, Program Director, Construction Operations

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

Reviewed and Recommended by: Steve Wendling, Deputy Program Director, Construction Operations

Reviewed and Recommended by: Douglas C. Doyle, Program Officer, Program Operations and Strategic Planning

Prepared and Recommended by: Andrea Pasquine, Program Officer, Construction Operations

Resolution—6a.

Credit Change Order, Catcord Construction Company, Inc. Cooper B. Hatch Middle School
Swing Space for Camden High School Project – Camden City Public Schools

COMPANY NAME:	Catcord Construction Company, Inc.
DISTRICT:	Camden City Public School
CONTRACT NO:	CA-0022-C02
PMF/CM:	NJSDA Managed
SCHOOL NAME:	Cooper B. Hatch Middle School (Swing Space for Camden High School)
CHANGE ORDER NO.:	1
REASON:	Credit Change Order to Deobligate Unused Contract Funds
AMOUNT:	(\$172,931.94)
TIME EXTENSION:	NA
CONTRACT STATUS:	59.82% Paid to Date
OCCUPANCY DATE:	N/A (this Change Order applies to a school that is presently occupied)

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Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that a credit change order (CCO) that singularly exceeds \$500,000 or 10% of the contract value requires approval by the Members of the Authority; and

WHEREAS, a CCO is the accounting mechanism whereby the SDA de-obligates unused contract funds; and

WHEREAS, the Cooper B. Hatch Middle School (Hatch MS), an approximately 68,000 square foot facility in the Camden City School District, currently serves as temporary space for approximately 550 Camden High School students while the new Camden High School, scheduled for delivery in 2021, is being constructed; and

WHEREAS, SDA staff observed conditions at the Hatch MS that included water intrusion after rain events that was prevalent throughout the facility; and

WHEREAS, in order to better identify the roof area that needed to be addressed, an infrared flat roof moisture survey was conducted on the entire modified-bitumen flat roof at Hatch MS in August 2019; and

WHEREAS, upon completion of the flat roof moisture survey, SDA engaged a General Contractor through the Authority's general construction task order (GCTO) contract to perform repairs to the flat roof in order to stop the ongoing water intrusion and the scope of work for the GCTO was designed in-house by the SDA Design Studio (the Project); and

WHEREAS, the SDA engaged Catcord Construction Company, Inc. (Catcord) on May 1, 2020, with a schedule that required the work to be performed in June and July 2020 when the school was not occupied resulting in the Project's substantial completion in July 2020; and

WHEREAS, the contract was issued for a not-to-exceed value of \$480,049.00, with actual costs determined based upon expended time & material; and

WHEREAS, the value of CCO No. 1, in the total credit amount of \$172,931.94 and now presented for Board consideration, represents cost effectiveness in terms of labor efficiencies resulting from favorable weather conditions and an adjustment in the contractor's anticipated approach in making the necessary roof repairs; and

WHEREAS, Catcord has completed all repairs to the existing flat roof surface at the Hatch MS and has demobilized from the site, and CCO No. 1 is necessary for the de-obligation of the unused contract funds to advance contract close-out; and

WHEREAS, all documents supporting CCO No. 1 have been reviewed by the associated SDA project team members for adherence to current SDA policy and procedures and all reviewing SDA staff members have determined that this CCO is justified and that the amount is reasonable and appropriate; and

WHEREAS, this credit change order singularly exceeds 10% of the contract value and thus its issuance requires approval by the Members of the Authority; and

WHEREAS, the Project's background along with details as to the reason for the credit change order and the associated calculations are fully 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 approve the issuance to Catcord Construction Company, Inc. of Credit Change Order No. 1 in the total credit amount of \$172,931.94 for the Camden Cooper B. Hatch MS swing space project.

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, Credit Change Order No. 1, and De-Obligation of Unused Funds, Catcord Construction Company (Contract No. CA-0022-C02), Camden City Public School District, Camden High School, dated November 4, 2020

Dated: November 4, 2020

**CHANGE ORDER NO. 6 - ERNEST BOCK AND SONS, INC. - CAMDEN CITY
PUBLIC SCHOOL DISTRICT - CAMDEN HIGH SCHOOL**



32 EAST FRONT STREET
P.O. BOX 991
TRENTON, NJ 08625-0991
609-858-5325

MEMORANDUM

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TO: Members of the Authority

FROM: Andrew Oakley
Program Director, Construction Operations

DATE: November 4, 2020

SUBJECT: Change Order Number 6 – Ernest Bock and Sons, Inc.

COMPANY NAME: Ernest Bock and Sons, Inc
DISTRICT: Camden City School District
CM: CBRE|Heery
SCHOOL NAME: Camden High School
CONTRACT NO.: CA-0022-B01
CHANGE ORDER NO: 6
REASON: Owner Initiated
AMOUNT: \$0.00
CONTRACT STATUS: 52.73% Paid to date against the Current Total Contract Value
SUBSTANTIAL COMPLETION DATE: July 1, 2021
ANTICIPATED OCCUPANCY DATE: September 2021

INTRODUCTION

I am writing to recommend approval by the Members of the Authority for Change Order Number 6 (CO 6) in the amount of \$0.00 to reallocate \$790,870.00 of unused, remaining funds within the GMP Reserve Allowance.

Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, a change order which singularly exceeds \$500,000.00 or singularly or in the aggregate is greater than 10% of the contract value requires approval by the Members of the Authority. While the value of this change order is \$0.00, the value of allowance funds being reallocated exceeds \$500,000.00. Therefore, in keeping with the spirit of the Operating Authority, we are seeking Board approval for this change order.

BACKGROUND

The new 270,000 square-foot, two story Camden High School (Camden HS) is designed to educate approximately 1,200 students in grades nine through twelve. On August 1, 2018, the Members of the Authority approved the Final Project Charter and the Award of a Design-Build Construction Contract to Ernest Bock & Sons, Inc. (Bock) in the amount of \$99,585,000.00. Bock was issued a Notice-To-Proceed on September 26, 2018 for the design and construction of the new Camden HS project.

REASON FOR CHANGE ORDER

CO 6 in the amount of \$0.00 is to reallocate \$790,870.00 of unused, remaining funds within the GMP Reserve Allowance, reallocating those funds from three (3) scope categories to two (2) different scope categories. The reallocation will move remaining GMP Reserve Allowance funds from the Building Envelope Acoustical

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 Change Order Number 6
 Camden - Camden High School
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Enhancement Allowance (A3), the Subsurface Conditions Allowance (A4) and the Construction Camera Allowance (A6) to the New Construction Allowance (A1) and the Meditative Garden Allowance (A5). The action will reallocate funds from scope categories where such funds are no longer needed to other project scope categories where work remains to be performed in excess of available Allowance funding.

Reallocating funds within the overall GMP Reserve Allowance is our recommended alternative to issuance of separate Change Orders, each of which would unnecessarily, though contractually, add bond and insurance costs proportionate to the Change Orders' value, costs which were already included when the contract was executed. By reallocating the unused Allowance money, NJSDA avoids the unnecessary duplication of bond and insurance mark-ups.

This change order will not increase the current, overall GMP Reserve total as it will only re-allocate the unused money from specific, existing allowances within the GMP Reserve to other separate, existing allowances.

The allowance reallocation effectuated through this change order will provide appropriate funds to existing GMP allowances for current and remaining needs that are appropriate for compensation through those existing GMP Allowances.

The chart below illustrates how the change order will reallocate the remaining funds in the GMP Reserve Allowance, also demonstrating how this change order does not change the overall GMP Reserve Allowance value.

GMP Reserve Allowance Number and Description	Original Overall Allowance Value	Adjustments Resulting from Execution of CO 6	Final Revised Overall Allowance Value via CO 6
1 – New Construction	\$ 1,040,000.00	\$ 590,870.00	\$ 1,630,870.00
2 – Emergency Responder Radio System	\$ 150,000.00	\$ 0.00	\$ 150,000.00
3 – Building Envelope Acoustical Enhancement	\$ 500,000.00	\$ (500,000.00)	\$ 0.00
4 – Subsurface Conditions	\$ 300,000.00	\$ (290,621.00)	\$ 9,379.00
5 – Meditative Garden	\$ 150,000.00	\$ 200,000.00	\$ 350,000.00
6 – Construction Camera	\$ 30,000.00	\$ (249.00)	\$ 29,751.00
7 – Interpretive Exhibit, Display Fabrication & Installation	\$ 130,000.00	\$ 0.00	\$ 130,000.00
GMP Reserve Totals:	\$2,300,000.00	\$ 0.00	\$ 2,300,000.00

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 Camden - Camden High School
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SUMMARY OF CHANGE

CO 6, in the amount of \$0.00, is to re-allocate \$790,870.00 of unused, remaining funds within the GMP Reserve Allowance.

CALCULATIONS

a.	Original Contract Amount	\$	99,585,000.00
b.	Change Orders to Date (excluding proposed change order)	\$	310,249.00
c.	Proposed Change Order Amount (Not To Exceed)	\$	-
d.	Total Change Orders to Date including this Change Order (Total of Line (b.) and Line (c.))	\$	310,249.00
e.	Percentage Change to Original Contract (Line (d.) represents a percent of Line (a.))		0.3%
f.	Proposed Adjusted Contract Price (Line (a.) plus Line (d.))	\$	99,895,249.00

All documents supporting CO 6 have been reviewed by the associated NJSDA Project Team members. All reviewing NJSDA staff members have determined that CO 6 is reasonable and appropriate.

RECOMMENDATION

The Members of the Authority are requested to approve the change order detailed above in the amount of \$0.00 for the reallocation of allowance funds within the contract.

In accordance with the Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, any change order which singularly exceeds \$500,000.00 or singularly or when aggregated is greater than 10% of the contract value requires approval by the Members of the Authority. While the value of this this change order is \$0.00, the value of allowance funds being reallocated exceeds \$500,000.00. Therefore, in keeping with the spirit of the Operating Authority, we are seeking Board approval for this change order.

/s/ Andrew Oakley

Andrew Oakley, Program Director, Construction Operations

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

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

Reviewed and Recommended by: Thomas Praesel, Deputy Director, Construction Operations

Prepared and Recommended by: Andrea Pasquine, Program Officer, Construction Operations

Resolution—6b.

Approval of Change Order No. 6, Ernest Bock and Sons, Inc.

COMPANY NAME:	Ernest Bock and Sons, Inc
DISTRICT:	Camden City School District
CM:	CBRE Heery
SCHOOL NAME:	Camden High School
CONTRACT NO.:	CA-0022-B01
CHANGE ORDER NO:	6
REASON:	Owner Initiated
AMOUNT:	\$0.00
CONTRACT STATUS:	52.73% Paid to date against the Current Total Contract Value
SUBSTANTIAL COMPLETION DATE:	July 1, 2021
ANTICIPATED OCCUPANCY DATE:	September 2021

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) provides that a change order (CO) that singularly exceeds \$500,000 or singularly or in the aggregate is greater than 10% of the contract value requires approval by the Members of the Authority; and

WHEREAS, the new 270,000 square-foot, two story Camden High School (the Project), in the Camden City School District, is designed to educate approximately 1,200 students in grades nine through twelve; and

WHEREAS, on August 1, 2018, the SDA Board approved the final Charter and the award of a design-build construction contract to Ernest Bock & Sons, Inc. (Bock) in the amount of \$99,585,000.00 for the Project; and

WHEREAS, on September 26, 2018, Bock was issued a notice-to proceed with the design and construction of the Project; and

WHEREAS, CO No. 6, in the amount of \$0.00, would reallocate \$790,870.00 of unused, remaining funds within the Project's Guaranteed Maximum Price (GMP) Reserve Allowance from three (3) scope categories to two (2) different scope categories; and

WHEREAS, CO No. 6 will not increase the current, overall GMP Reserve total as it will only re-allocate the unused money from specific, existing allowances within the GMP Reserve to other separate, existing allowances; and

WHEREAS, as fully described in the memorandum presented to the Board on this date, reallocating funds within the overall GMP Reserve Allowance is management's proposed recommended alternative to issuance of separate change orders, thereby avoiding the unnecessary duplication of bond and insurance mark-ups; and

WHEREAS, all documents supporting CO No. 6 have been reviewed by the associated SDA Project Team members and all reviewing staff members have determined that CO No. 6 is reasonable and appropriate; and

WHEREAS, while the value of this CO No. 6 is \$0.00, the value of allowance funds being reallocated exceeds \$500,000.00 and, therefore, in keeping with the spirit of the Operating Authority and to ensure transparency, management is seeking Board approval for this change order.

NOW, THEREFORE, BE IT RESOLVED, that, for the reasons set forth herein and in keeping with the spirit of the Operating Authority, the Members of the Authority hereby authorize and approve Change Order No. 6 in the amount of \$0.00 for the reallocation of allowance funds within the contract consistent with the provisions of the memorandum presented to the Board on this date in connection with the Camden High School project in the Camden City School District.

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, Ernest Bock and Sons, Inc., Contract No. CA-0022-B01, Change Order No. 6, Camden High School, Camden City School District, dated November 4, 2020

Dated: November 4, 2020

**ADOPTION OF NEW RULES FOR OPRA COMPLIANCE: NOTICE OF ADOPTION -
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: November 4, 2020

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

On April 1, 2020 the Members of the New Jersey Schools Development Authority (“Authority” or “SDA”) approved for proposal and publication New Rules for Requests for Access to Government Records, N.J.A.C. 19:33. Management of the Authority now seeks the Members’ approval to formally adopt the Rules in the form previously presented at the April 1, 2020 meeting of the Board, and as subsequently published in the New Jersey Register. The proposed Notice of Adoption for the Rules is attached hereto, along with a copy of the proposed Rules as published in the New Jersey Register.

Prior Regulatory History

Chapter 33 was proposed for adoption as new rules, and published in the June 1, 2020 edition of the New Jersey Register at 52 N.J.R. 1160(a). The proposed new rules were published subject to a 60-day public comment period ending July 31, but no comments were received during that period. Accordingly, the form of the Rules has not changed from the original proposal as published in the Register.

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, pursuant to 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 new rules codify categories of such documents to be exempted from disclosure under OPRA.

Subchapter 1 of the 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 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 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 adoption of the new Rules, as well as the issuance of the attached Notice of Adoption, 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

6

Requests for Access to Government Records

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

Proposed: June 1, 2020 at 52 N.J.R. 1160(a)

Adopted: DATE by the New Jersey Schools Development Authority,

Manuel M. DaSilva, Chief Executive Officer

Filed: [DATE] as R. 2020 d.____, **without change**.

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); and N.J.S.A. 47:1A-1 et seq. (Open Public Records Act).

Effective date: [PUBLICATION DATE], 2020;

Expiration date: [PUBLICATION DATE], 2027.

Summary of Public Comment and Agency Response:

No comments were received.

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 this subchapter. 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.

Full text of the adoption follows:

52 NJR 6(1)
June 1, 2020
Filed May 4, 2020

OTHER AGENCIES

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Requests for Access to Government Records

Proposed New Rules: N.J.A.C. 19:33

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); and 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 2020-056.

Submit written comments by July 31, 2020, to:

Cecelia Haney, Administrative Practice Officer

New Jersey Schools Development Authority

PO Box 991

Trenton, NJ 08625-0991

chaney@njsda.gov

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 new rules are proposed at N.J.A.C. 19:33.

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 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 rules follows.

Proposed new N.J.A.C. 19:33-1.1 states the scope, applicability, and definitions of words and terms for 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 at N.J.A.C. 19:33-1.3(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 (for example, electronic or hard-copy), the preferred mode of delivery (for example, 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 State 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 at 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. 19:33-1.4 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 through 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 at 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 forth at 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 this subchapter, 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 a 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 N.J.A.C. 19:33-1.3(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-5.b. 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 this subchapter 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 the 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 the 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.

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 citizens of this State, unless exempt by law or rule. 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 citizen'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 citizens 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 citizen under this subchapter 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 OPRA.

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 this subchapter. 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 proposed new 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 Analysis

The proposed new rules govern the process by which citizens 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 Analysis

The proposed new rules govern the process by which citizens can seek access to government records made, maintained, or kept on file by the SDA, and, thus, the proposed new rules will have no impact on Smart Growth Development because the scope of the proposed new rules 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 citizens 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:

CHAPTER 33

REQUESTS FOR ACCESS TO GOVERNMENT RECORDS

SUBCHAPTER 1. GENERAL PROVISIONS

19:33-1.1 Scope, applicability, and definitions

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

(b) The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

“Access” means the inspection, examination, or provision of records to the requestor.

“Custodian” or “records custodian” means as set forth at N.J.A.C. 19:33-1.2.

“Government record,” “record,” or “records” shall have the same meaning as defined at N.J.S.A. 47:1A-1.1.

“OPRA” means the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

“SDA” means the New Jersey Schools Development Authority.

19:33-1.2 Custodian of records

(a) Pursuant to P.L. 2001, c. 404, the Chief Executive Officer of the SDA shall designate a records custodian who shall be responsible for responding to OPRA requests directed to the SDA for access to government 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.

19:33-1.3 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 at (b) below.

(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.

19:33-1.4 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:

1. By hand-delivery during the SDA's normal business hours;
2. By regular mail;

3. By facsimile transmission; or

4. 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 N.J.A.C. 19:33-1.10, 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 at 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 it having been 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 pursuant to 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.

19:33-1.5 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.

19:33-1.6 Failure to respond

Except as provided at N.J.A.C. 19:33-1.8 or 1.9, the records custodian shall grant or deny access to a requested record within seven business days after receiving a completed request in accordance with N.J.A.C. 19:33-1.4, or within such additional time as may be allowed by law or this subchapter, 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 business days after the requestor reappears before the records custodian seeking a response to the original request.

19:33-1.7 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 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.

19:33-1.8 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 that shall be based upon the cost of the extensive use of information technology and/or 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.

19:33-1.9 Computation of time

(a) In computing any period of time pursuant to 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 at N.J.A.C. 19:33-1.3(b) and pre-pays the fees required at N.J.S.A. 47:1A-1 et seq., and this subchapter.

19:33-1.10 Computation of fees

(a) The cost for copies of a government record shall be as indicated at N.J.S.A. 47:1A-5.b. There is no cost for the emailing 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 d.

19:33-1.11 Records held offsite

SDA records 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.

19:33-1.12 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

19:33-2.1 Scope and applicability

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

19:33-2.2 Records designated as confidential not subject to disclosure

(a) In addition to records designated as confidential pursuant to the provisions of N.J.S.A. 47:1A-1 et seq., any other statute, resolution of either or both Houses of the Legislature, an Executive Order of the Governor, rule 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.:

1. All portions of records, including electronic communications, that contain advisory, consultative, or deliberative information or other records protected by a recognized privilege;

2. 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;

3. Notes of mediators or other persons involved in any ADR proceedings involving the SDA;

4. Information concerning individuals as follows:

i. Social Security numbers;

ii. Home addresses, home telephone numbers, personal cellphone numbers, or personal email addresses;

iii. Information relating to medical, psychiatric, or psychological history, diagnosis, treatment, or evaluation;

iv. Information in an income or other tax return;

v. 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

vi. Any other information, the disclosure of which might reasonably be expected to endanger the safety of any person;

5. Notices, orders, reports, and decisions not yet served upon the person(s) to whom they are addressed;

6. Unapproved minutes of public meetings;

7. 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;

8. 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;

9. 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:

i. Show or describe means of ingress and/or egress for such school facilities;

ii. Show parking areas, driveways, access areas, and the like, for school facilities, and/or that identify a securable perimeter;

iii. Describe details of doors, windows, skylights, access hatches, and the like, for school facilities;

iv. Show or describe the location, configuration, or operational parameters of critical systems or infrastructure of a school facility;

v. 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;

vi. Show or describe the operational parameters, configurations, or vulnerabilities of critical systems or equipment, or components of such critical systems;

vii. Show or describe emergency or security information or procedures for any building or structure comprising or ancillary to a school facility; or

viii. Any other documents that could assist individuals or entities that wish to do harm to the occupants of school buildings;

10. 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;

11. 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;

12. 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

13. 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.

(b) For the purposes of (a)9 above, 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.

Resolution—6c.

Adoption of New Rules for OPRA Compliance – Notice of Adoption for Access to Government Records, N.J.A.C. 19:33

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 regulations now proposed for final adoption 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, following Board approval on April 1, 2020, the Rules were proposed for promulgation as new rules and published in the June 1, 2020 edition of the New Jersey Register at 52 N.J.R. 1160(a); and

WHEREAS, the proposed new Rules were published subject to a 60-day public comment period ending July 31, but no comments were received during that period with the result that the form of the Rules has not changed from the original proposal as published in the Register; 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; and

WHEREAS, SDA management recommends Board approval so that management can proceed with the adoption 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.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the adoption of new Rules establishing 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).

BE IT FURTHER RESOLVED, that the Members of the Authority authorize and approve the issuance of the Notice of Adoption presented to the Board on this date and the filing of the same with the state 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.

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Attached: Memorandum, Adoption of New Rules for OPRA Compliance – Notice of Adoption for Access to Government Records, N.J.A.C. 19:33, dated November 4, 2020

Dated: November 4, 2020

**REPORT AND RECOMMENDATIONS OF THE REAL ESTATE COMMITTEE
(CHAIRMAN'S REPORT) - TO BE PROVIDED IN EXECUTIVE SESSION**

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: November 4, 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 10/21/20

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.

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2011 & 2012 Portfolio Projects Activities Summary
as of 10/21/20

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

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 Recommendations of DOE/SDA/District Working Groups may impact this information in the future.

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2011 & 2012 Portfolio Projects Activities Summary
as of 10/21/20

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	School delivered 9/3/2020. (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	School delivered 9/3/2020. (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

***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.

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2011 & 2012 Portfolio Projects Activities Summary

as of 10/21/20

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.

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Active Project Status Report Status as of 10/1/2020

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	2Q 2022	On-target	Phased	On-target	\$ 51,931,218
4	East Orange	New GW Carver ES	New Construction	Substantial Completion	3Q 2020	Achieved	Sep-20	Achieved	\$ 41,179,670
5	Harrison	New Elementary School	New Construction	Construction	4Q 2020	On-target	Oct-20	On-target	\$ 36,115,640
6	Keansburg	Port Monmouth Road School	Addition/Renovation	Construction	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	Achieved	\$ 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
12	Plainfield	New Woodland ES	New Construction	Design-Build Design Phase	3Q 2022	On-target	Sep-22	On-target	\$ 59,440,000

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**Active Project Status Report
Status as of 10/1/2020**

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	Bridgeton	Bridgeton Senior HS	Roof Replacement & Masonry Repairs	Construction	3Q 2021	On Target	4Q 2021	On-Target	\$ 9,842,000
2	Newark	Lafayette Street School	Exterior Doors & Roofing	Substantial Completion	2Q 2020	Achieved	4Q 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: November 4, 2020
Subject: Project Close-Out Status Report

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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 October 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)
Camden					
2009	0680-350-01-0938	HB Wilson Elementary School	Project Transferred	04/14/10	Open contract(s)
East Orange					
2020	1210-060-02-0296	Sheila Y. Oliver Academy (aka GW Carver ES)			
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)
2017	2390-X03-01-0587	Patricia M. Noonan ES (New PS #3)	Project Transferred	12/14/17	Open contract(s)
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)

PROJECT STATUS REPORT - As of October 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)
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					
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)
2020	4050-130-15-0AEL	Denbo-Critchton Elementary School			
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)
Capital and Demonstration Projects Totals					
Total Capital and Demonstration Projects			157		
Closed Capital and Demonstration Projects			122		
Capital and Demonstration Projects Not Closed			35		
Capital and Demonstration Projects Not Closed, Project Transferred			19		
Legal Matter			3		
Miscellaneous			17		

PROJECT STATUS REPORT - As of October 1, 2020					
Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Emergent Projects					
Camden					
	0680-170-12-0ACF	Cramer Elementary School			
Newark					
	3570-301-17-0AES	Marin - HVAC			
	3570-415-17-0AER	Dr. E. Alma Flagg E.S. - Doors and Roofing			
	3570-460-17-0AEZ	Hawkins ES - Chimney Repairs			
	3570-480-17-0AET	Lafayette - Doors and Roofing			
	3570-750-17-0BBC	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			70		
Emergent Projects Not Closed			9		
Emergent Projects Not Closed but Transferred			0		
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: November 4, 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: January 2008 to September 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								
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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.
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: September 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
No Activity During the Reporting Period									



Revisions to Project Charters

Reporting Period: September 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: November 4, 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 September 1 through September 30, 2020.

Noteworthy Items during the reporting period:

- No activity during the reporting period.

Amendments & Change Orders Report

This report contains the activity of Amendments and Change Orders executed during the period September 1 through September 30, 2020.

Noteworthy Items during the reporting period:

- No Professional Services Amendments were executed during the reporting period.
- 16 Construction Services Change Order were executed during the reporting period totaling \$0.9 million, of the 16 executed change orders 2 required Board Approval totaling \$0.8 million.

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.

- 2 Change Orders totaling \$16k executed during the reporting period.



Amendments & Change Orders Report

Reporting Period: 9/1/2020 through: 9/30/2020

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 %
Construction Services													
Contractor													
Camden City	Camden H.S.	CA-0022-B01	9/26/2018	5	Ernest Bock & Sons, Inc.	9/9/2020	\$99,585,000	\$324,255	(\$14,006)			\$99,895,249	0.31%
Millville	High School	ST-0046-B01	5/24/2017	20	Hall Construction Co., Inc.	9/18/2020	\$114,453,000	\$2,711,660	\$523,044	Y	5/3/2020	\$117,687,704	2.82%
Millville	High School	ST-0046-B01	5/24/2017	16	Hall Construction Co., Inc.	9/22/2020	\$114,453,000	\$3,234,704	\$284,235	Y	5/3/2020	\$117,971,939	3.07%
Paterson	New Union Avenue Middle School	PA-0011-B01	10/18/2018	2	Epic Management, Inc.	9/4/2020	\$57,932,000	\$6,527	\$24,998			\$57,963,525	0.05%
Paterson	New Union Avenue Middle School	PA-0011-B01	10/18/2018	4	Epic Management, Inc.	9/18/2020	\$57,932,000	\$31,525	\$37,136			\$58,000,661	0.11%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	8	Terminal Construction Corp.	9/17/2020	\$37,000,000	\$1,405,094	\$8,960			\$38,414,054	3.82%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	10	Terminal Construction Corp.	9/17/2020	\$37,000,000	\$1,414,054	\$7,788			\$38,421,842	3.84%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	7	Terminal Construction Corp.	9/24/2020	\$37,000,000	\$1,421,842	\$3,318			\$38,425,160	3.85%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	6	Terminal Construction Corp.	9/29/2020	\$37,000,000	\$1,425,160	\$3,406			\$38,428,566	3.86%
Keansburg Borough	Port Monmouth Road School	ET-0098-C01	12/19/2019	1	Niram Inc.	9/4/2020	\$18,645,000	\$0	\$238,803			\$18,883,803	1.28%
Newark	Dr. E. Alma Flagg E.S.	EP-0065-C02	11/21/2017	2	Patock Construction Co.	9/9/2020	\$495,000	\$46,015	\$8,435			\$549,450	11.00%
Newark	Dr. E. Alma Flagg E.S.	EP-0065-C02	11/21/2017	3	Patock Construction Co.	9/9/2020	\$495,000	\$54,450	\$7,466			\$556,916	12.50%
Newark	Dr. E. Alma Flagg E.S.	EP-0065-C02	11/21/2017	4	Patock Construction Co.	9/9/2020	\$495,000	\$61,916	(\$69,300)			\$487,616	-1.49%
Newark	Dr. E. Alma Flagg E.S.	EP-0065-C02	11/21/2017	5	Patock Construction Co.	9/9/2020	\$495,000	(\$7,384)	(\$10,000)			\$477,616	-3.51%
Newark	Chancellor Avenue E.S.	EP-0104-C01	7/22/2019	5	Catcord Construction Co., Inc.	9/24/2020	\$493,300	\$60,489	(\$100,000)			\$453,789	-8.00%
Newark	Chancellor Avenue E.S.	EP-0104-C01	7/22/2019	6	Catcord Construction Co., Inc.	9/24/2020	\$493,300	(\$39,511)	(\$15,000)			\$438,789	-11.05%
Contractor													
Construction Services									\$939,283				
Grand Totals										Total Change Order	Total Change Orders		
										\$939,283	16		

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: November 4, 2020

SUBJECT: Diversity and Workforce Participation Monthly Update for August 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 August 31, 2020 was \$29,367,128.00. The figures below demonstrate compliance with this requirement.

Diversity Breakdown

The total contract dollars awarded to all SBE contractors was \$4,839,451 including minorities, women and veterans). This represents 16.48% of all SDA contracts.

Type of Business Enterprise	Contract Amount	% of Total SDA Contracts
Small Business Enterprises	\$ 4,278,793	14.57%
Small/ Minority Business Enterprises	\$ -0-	0.00%
Small/Women Business Enterprises	\$ 560,658	1.91%
Small/Veteran Owned Business Enterprises	\$ -0-	0.00%
Small/Minority/Women Business Enterprises	\$ -0-	0.00%
TOTAL DIVERSITY CONTRACTS	\$ 4,839,451	16.48%

Members of the Authority
 Diversity and Workforce Participation Monthly Update for August 2020
 November 4, 2020
 Page 2 of 3

WORKFORCE PARTICIPATION

For the month of August 2020, there was a contractor workforce of 1,093 on SDA projects. This represents a total of 98,338 contractor workforce hours as follows:

Contractor Workforce Breakdown (All Trades/Districts/Counties)			
Ethnicity	Total Workforce	Total Workforce Hours	Workforce Hours Percentage
Black	99	10,982	11.17%
Hispanic	201	17,493	17.79%
American Indian	5	520	0.53%
Asian	2	95	0.10%
Total Minority Participation	307	29,090	29.59%
Total Non-Minority Participation	786	69,248	70.41%
Total Contractor Workforce	1,093	98,338	100.00%

There was a contractor workforce of 632,667 total workforce hours and 11,180 total female workforce hours on SDA projects for the period of January 1, 2020 through August 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	632,667	100.00%
*Total Local County Workforce Hours	52,116	8.24%
Total Local County Non-Minority Workforce Hours	20,924	3.31%
Total Local County Female Workforce Hours	0	0.00%
Total Local County Minority Workforce Hours	31,192	4.93%
**Local County Workforce Hours by Ethnicity:		
Black	20,132	3.18%
Hispanic	11,060	1.75%
American Indian	0	0.00%
Asian	0	0.00%

*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 August 2020
 November 4, 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 August 31, 2020.

SDA Managed Project	Total Workforce Hours	Minority Workforce Hours & Percentage		Local County Workforce Hours & Percentage	
Camden HS	157,873	45,377	28.74%	14,423	9.14%
GW Carver ES	3,564	553	15.52%	146	4.10%
Harrison ES	47,312	12,636	26.71%	0	0.00%
Millville HS	113,887	34,461	30.26%	17,067	14.99%
Dayton Ave Campus	187,935	62,280	33.14%	8,179	4.35%
Union Ave MS	34,672	5,885	16.97%	4,852	13.99%
Denbo-Crichton ES	38,550	5,742	14.89%	1,415	3.67%
Cleveland ES	4,972	1,508	30.33%	0	0.00%
Orange HS	42,027	15,894	37.82%	4,536	10.79%
Emergent Projects	552	190	34.42%	0	0.00%

Prepared by: Charlotte Brooks
 Zaida Olszak

REGULAR OPERATING DISTRICTS (RODs) ACTIVITY REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director, Program Operations

DATE: November 4, 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 September 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.
- 7 grants impacting 4 district were closed out during the reporting period representing \$10.3M in total project costs and state share of \$3.7M.
- 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

September 2020

ROD Grant Summary Since Program Inception				
	Offered ¹	Executed	Closed-Out	Active
Districts Impacted	-	524	517	82
Number of Grant Projects	-	5,405	5,102	303
Total Project Cost Estimate	\$ -	\$ 8,945,852,842	\$ 8,636,714,433	\$ 309,138,409
Grant Amount	\$ -	\$ 3,004,690,299	\$ 2,861,495,523	\$ 143,194,776
Amount Disbursed	N/A	\$ 2,931,393,496	\$ 2,861,495,523	\$ 69,897,973

Total Funding Offered to School Districts via Grant Program	\$ 3,342,209,450
Total ROD Grant Funding remaining for new Grant Projects	\$ 82,799,257

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	-	4
Number of Grant Projects	-	7
Total Project Cost Estimate	\$ -	\$ 10,342,219
Grant Amount	\$ -	\$ 3,655,577
Amount Disbursed	NA	\$ 3,655,577

* 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.

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**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: November 4, 2020

SUBJECT: Monthly Financial Report – September 2020

The Office of the Chief Financial Officer is providing the attached 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 September 2020 year to date, Authority operating expenses, **\$10.8M**, are **\$2.7M** lower than budget for the corresponding period. The variance is primarily related to lower year to date personnel costs, **\$1.4M**, resulting from the Authority having 28 fewer FTEs than budgeted, and lower expenses related to professional & other contracted services, **\$677K**, facilities and general office, **\$369K**, and information systems, **\$204K**.

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

For September 2020 year to date, Authority operating expenses, **\$10.8M**, are **\$2.2M** lower when compared to the corresponding prior year. The variance is mainly attributable to lower personnel costs, **\$2.0M**, resulting from the Authority having on average 32 fewer FTEs as compared to the previous year.

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

For September 2020 year to date, project expenditures, **\$218.2M**, are **\$21.5M** lower than the capital spending forecast for the corresponding period. This variance is primarily the result of lower than forecasted expenditures for grants **\$16.9M**, construction activity **\$5.4M**, and property acquisitions **\$1.6M** offset by an increase in school furniture & fixtures purchase **\$4.3M**.

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

For September 2020 year to date, project expenditures, **\$218.2M**, are lower by **\$9.7M** when compared to the corresponding prior year. The variance is attributable mainly to decreases in grant activity **\$15.1M**, school furniture & fixtures **\$6.1M**, and payroll expense allocation to project expenditures **\$962K**, offset by increases in construction activity **\$6.3M**, design services **\$4.3M**, project insurance **\$1.3M** and property acquisition **\$1.2M**.

Members of the Authority
November 4, 2020
Page 2

Other

Since program inception, 88.1% 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
September 2020
(Unaudited)**

New Jersey Schools Development Authority

Overview of Financial Position

September 30, 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, September 30, 2020.

► Overall **Cash and Cash Equivalents** have decreased by \$224.0 million to \$347.0 million, as follows:

■ Receipt of bond and note proceeds (Issued by EDA)	\$ -
■ Investment earnings	2,653,877
■ Miscellaneous revenue	34,824
■ Project costs	(218,226,826)
■ SDA operating expenses	(11,012,540)
■ SDA capital expenditures	(177,333)
■ Deposits (primarily district local shares)	2,766,107
Net Change in Cash	\$ (223,961,891)

► **Prepaid Expenses** total \$272,088 as follows:

- Prepaid insurance of \$116,699.
- Prepaid rents of \$104,844 for the Authority's leased office space in Trenton and Newark.
- Prepaid MIS maintenance service contracts of \$20,371.
- Other prepaids of \$30,174.

► **Capital Assets** total \$1,128,653 (net of accumulated depreciation of \$6,832,980), 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 \$167,560 and **Depreciation Expense** is \$121,791.

► **Accrued Liabilities** total \$91.5 million, as follows:

- Accrued project costs of \$22.6 million consisting of unpaid invoices (\$.9million) and retainage (\$21.7 million).
- Accrued net pension liability of \$44.0 million.
- Other post-employment benefits obligation of \$21.8 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 \$0.1 million.
- Payroll related liabilities of \$1.4 million.
- Other accrued liabilities of \$0.2 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 \$231.2 million.

New Jersey Schools Development Authority School Facilities Project Expenditures & Funding Allocation September 30, 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 \$26.2 million and \$218.2 million, respectively, as follows:

<u>Category</u>	<u>Current Month</u>	<u>Current Year-To-Date</u>	<u>Since Program Inception</u>
Construction	\$ 20,755,338	\$ 161,797,580	\$ 5,232,364,023
Design Services	113,671	1,336,751	412,393,243
PMF/CM Services	528,048	4,470,726	467,051,726
SDA Project Management	1,189,012	9,468,451	107,915,179
Property Acquisition, Relocation & Enviro	744,131	2,645,958	582,817,412
School Furniture, Fixtures & Equipment	1,617,063	11,023,469	197,453,722
Project Insurance	307,075	3,726,899	112,872,562
NJ State Inter-Agency Transfers	-	77,470	50,361,676
SDA District Grant & Funding Agreements	8,390	993,587	877,499,318
Regular Operating District Grant Agreements	791,179	21,451,961	2,940,326,046
Real-Time Project Audits	-	-	628,000
Property Management, Maintenance & Utils	41,016	246,499	18,488,893
Outside Legal & Claims Resolution Services	26,465	501,898	11,249,414
Temporary Staffing	63,700	164,353	10,624,694
Other Project Costs	135	579,890	61,909,825
Project Credits	-	-	(54,902,944)
Total Project Expenditures	26,185,223	218,485,492	11,029,052,789
Less: Local Share Contributions	-	(258,666)	(184,599,081)
Project Expenditures (State Share)	<u>\$ 26,185,223</u>	<u>\$ 218,226,826</u>	<u>\$ 10,844,453,708</u>
2020 Capital Spending Forecast	<u>\$ 26,819,515</u>	<u>\$ 239,684,739</u>	

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	\$ 9,026,847,522	\$ 7,950,427,838
■ Regular Operating Districts	3,450,000,000	3,500,209,900	3,262,723,640
■ Vocational Schools	150,000,000	152,006,535	122,157,561
Total - State Share	<u>\$ 12,500,000,000</u>	<u>\$ 12,679,063,957</u>	<u>\$ 11,335,309,039</u>

► Percentage of Total Funding Paid to Date

■ SDA Districts	88.1%
■ Regular Operating Districts	93.2%
■ Vocational Schools	80.4%
Total - State Share	89.4%

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 \$490,855,331.

New Jersey Schools Development Authority
Fund Reporting Operating Expenses vs Budget
September 30, 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	\$ 11,865,262	\$ 13,242,971	\$ (1,377,709)
Employee Benefits	5,415,182	6,056,449	(641,267)
Direct Hire Temporary Employee Costs	2,561	36,333	(33,772)
Total Employee Salaries & Benefits Costs	17,283,005	19,335,753	(2,052,748)
<u>Less:</u> Employee Salaries & Benefits Costs			
Charged to Projects	9,468,451	10,227,000	(758,549)
Salaries & Benefits Charged to Operating Expense	7,814,554	9,108,753	(1,294,199)
Temporary Staffing Services	-	56,250	(56,250)
Travel & Expense Reimbursements	10,275	21,033	(10,758)
Training & Professional Development	13,507	52,497	(38,990)
Total Personnel Expenses	7,838,336	9,238,533	(1,400,197)
Non-Personnel Operating Expenses:			
Facilities & General Office Expenses	1,567,505	1,936,440	(368,935)
Information Systems	627,333	831,748	(204,415)
Professional & Other Contracted Services	407,547	1,084,237	(676,690)
Property & Casualty Insurance	264,560	273,897	(9,337)
SDA-Owned Automobiles	50,154	74,997	(24,843)
Communications & Outreach	60	2,250	(2,190)
Reserve for Unforeseen Events & New Initiatives	-	37,503	(37,503)
Total Authority Operating Expenses	\$ 10,755,495	\$ 13,479,605	\$ (2,724,110)
2020 Annual Operating Budget		\$ 17,436,021	

**New Jersey Schools Development Authority
Capital Expenditures
September 30, 2020**

Description of Capital Item:	Budget Year	Budget Amount	Capital Expenditures		
			2020	Pre-2020	Total
Leasehold Improvements		\$ -	\$ -	\$ -	-
Office Furniture & Equipment		-	8,971	-	8,971
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	158,589	579,268	737,857
Total Capital Items		\$ 3,100,000	\$ 167,560	\$ 790,460	\$ 958,020

New Jersey Schools Development Authority Fund Reporting Operating Expenses vs Prior Year September 30, 2020

<u>Category</u>	<u>Actual Year-To-Date</u>	<u>2019 Year-To-Date</u>	<u>Over/ (Under)</u>
Personnel Expenses:			
Employee Salaries	\$ 11,865,262	\$ 14,006,749	\$ (2,141,487)
Employee Benefits	5,415,182	6,216,748	(801,566)
Direct Hire Temporary Employee Costs	2,561	30,487	(27,926)
Total Employee Salaries & Benefits Costs	17,283,005	20,253,984	(2,970,979)
Less: Employee Salaries & Benefits Costs Charged to Projects	9,468,451	10,430,024	(961,573)
Salaries & Benefits Charged to Operating Expense	7,814,554	9,823,960	(2,009,406)
Temporary Staffing Services	-	2,003	(2,003)
Travel & Expense Reimbursements	10,275	13,330	(3,055)
Training & Professional Development	13,507	22,171	(8,664)
Total Personnel Expenses	7,838,336	9,861,464	(2,023,128)
Non-Personnel Operating Expenses:			
Facilities & General Office Expenses	1,567,505	1,807,096	(239,591)
Information Systems	627,333	733,186	(105,853)
Professional & Other Contracted Services	407,547	262,381	145,166
Property & Casualty Insurance	264,560	260,539	4,021
SDA-Owned Automobiles	50,154	64,721	(14,567)
Communications & Outreach	60	6,927	(6,867)
Reserve for Unforeseen Events & New Initiatives	-	-	-
Total Authority Operating Expenses	\$ 10,755,495	\$ 12,996,314	\$ (2,240,819)

New Jersey Schools Development Authority

Employee Headcount

September 30, 2020

	<u>Current Month End</u>	<u>Budget</u>	<u>Over/ (Under)</u>
Office of Chief Executive Officer	4	4	-
Human Resources	3	6	(3)
Communications	2	3	(1)
Information Systems	14	15	(1)
Central Records Management	3	3	-
Legislative Affairs	1	1	-
Office of Program Operations & Strategic Planning	2	2	-
Capital Planning & Program Operations	7	4	3 (1)
Design Studio	18	20	(2)
Grants Administration	10	13	(3)
Real Estate Services & Predevelopment	8	10	(2)
Vendor Development	5	5	-
Office of Construction Operations	0	2	(2)
Project Teams	28	36	(8)
Office of Corporate Governance & Legal Affairs	5	5	-
Chief Counsel	9	11	(2)
Safety	6	6	-
Internal Audit	3	4	(1)
Office of Chief Financial Officer	2	2	-
Financial Operations	7	11	(4)
Financial Accounting & Disbursements	11	13	(2)
Procurement	10	9	1 (2)
Risk Management	8	9	(1)
Property Management	4	4	-
Facilities	4	4	-
Total Full-Time Employees at Month End	<u>174</u>	<u>202</u>	<u>(28)</u>
Total Full-Time Employees at Year End		<u>205</u>	

(1) Overage is due to internal transfer of three employees from Project Teams. These transfers will be reflected in 2021 budget.

(2) Overage is due to internal transfer of one employee from Project Teams. This transfer will be reflected in 2021 budget.

New Jersey Schools Development Authority

Statement of Net Position

September 30, 2020

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	<u>Current Month End</u>	<u>2019 Year End</u>	<u>Over/ (Under)</u>
ASSETS			
Cash and Cash Equivalents	\$ 346,985,655	\$ 570,947,546	\$ (223,961,891)
Receivables	13,378	26,957	(13,579)
Prepaid Expenses	272,088	659,130	(387,042)
Capital Assets (Net of Accumulated Depr.)	1,128,653	1,082,884	45,769
Total Assets	<u>348,399,774</u>	<u>572,716,517</u>	<u>(224,316,743)</u>
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Amount for Pensions & OPEB	6,775,065	9,152,800	(2,377,735)
TOTAL ASSETS & DEFERRED OUTFLOWS OF RESOURCES			
	<u>\$ 355,174,839</u>	<u>\$ 581,869,317</u>	<u>\$ (226,694,478)</u>
LIABILITIES			
Accrued Project Costs	\$ 24,141,049	\$ 47,731,816	\$ (23,590,767)
Net Pension Liability	44,045,377	44,045,377	-
Accrued Other Post-Employment Benefits	21,753,687	21,461,300	292,387
Other Accrued Liabilities	1,526,059	4,557,130	(3,031,071)
Deposits	5,528,089	2,761,982	2,766,107
Total Liabilities	<u>96,994,261</u>	<u>120,557,605</u>	<u>(23,563,344)</u>
DEFERRED INFLOWS OF RESOURCES			
Deferred Amount for Pensions & OPEB	26,973,039	26,973,039	-
NET POSITION			
Invested in Capital Assets	1,128,653	1,082,884	45,769
Restricted for Schools Construction:			
Special Revenue Fund	230,078,886	433,255,789	(203,176,903)
Net Position	<u>231,207,539</u>	<u>434,338,673</u>	<u>(203,131,134)</u>
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES & NET POSITION			
	<u>\$ 355,174,839</u>	<u>\$ 581,869,317</u>	<u>\$ (226,694,478)</u>

New Jersey Schools Development Authority
Statement of Activities
September 30, 2020

8

	<u>Current</u> <u>Year-To Date</u>	<u>2019</u> <u>Year-To Date</u>	<u>Over/</u> <u>(Under)</u>
REVENUES			
Program Revenues:			
Bond and Note Proceeds (Issued by EDA)	\$ -	\$ -	-
Bidding Fees-Plans & Specs	-	-	-
General Revenues:			
Investment Earnings	2,653,877	7,420,661	(4,766,784)
Rental Income	29,000	25,129	3,871
Other Revenue-OPRA	5,824	2,560	3,264
Total Revenues	<u>2,688,701</u>	<u>7,448,350</u>	<u>(4,759,649)</u>
EXPENSES			
Administrative & General Expenses	11,047,882	14,532,504	(3,484,622)
Capital Depreciation	121,791	135,256	(13,465)
School Facilities Project Costs	194,650,162	205,491,839	(10,841,677)
Total Expenses	<u>205,819,835</u>	<u>220,159,599</u>	<u>(14,339,764)</u>
CHANGE IN NET POSITION	(203,131,134)	(212,711,249)	9,580,115
Beginning of Period Net Position	<u>434,338,673</u>	<u>398,016,400</u>	<u>36,322,273</u>
NET POSITION END OF PERIOD	<u>\$ 231,207,539</u>	<u>\$ 185,305,151</u>	<u>\$ 45,902,388</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.

RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION

Resolution—10.

Resolution to Adjourn into Executive Session

Resolution

WHEREAS, the “Senator Byron M. Baer Open Public Meetings Act” (OPMA), N.J.S.A. 10:4-6, declares “the right of the public to be present at all meetings of public bodies” except as expressly provided in the Act; and

WHEREAS, N.J.S.A. 10:4-12 (b) provides that a public body may exclude the public from that portion of a meeting at which the public body discusses, among other things, any matter involving the lease... of real property with public funds...or any pending or anticipated litigation or contract negotiations in which the public body is or may become a party...falling within the attorney-client privilege, to the extent that confidentiality is required to preserve the attorney-client relationship; and

WHEREAS, the Members of the Authority have before them on this date one matter that, pursuant to N.J.S.A. 10:4-12, is appropriate for consideration in Executive Session consistent with the provisions of the OPMA; and

WHEREAS, the matter to be considered by the Board in Executive Session is a real estate matter involving the proposed extension of deadlines established by contract and by deed for the transfer of property by the Authority to the City of Newark; and

WHEREAS, the minutes of the Board’s November 4, 2020 Executive Session meeting will be available for release for public review upon the full and final conclusion of all negotiations, legal proceedings, settlements, and the execution of all documentation, agreements and leases associated therewith.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby resolve to adjourn into Executive Session to consider and deliberate with regard to the matter described herein and to subsequently vote on Agenda Item No. A1. upon the Board’s return to Open Session.

BE IT FURTHER RESOLVED, that the minutes of the Board’s November 4, 2020 Executive Session meeting will be available for release for public review upon the full and final conclusion of all negotiations, legal proceedings, settlements, and the execution of all documentation, agreements and leases associated therewith.

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: Resolution to Adjourn into Executive Session, dated November 4, 2020

Dated: November 4, 2020