

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD MEETING
WEDNESDAY, MARCH 1, 2023 AT 9:00 A.M.
32 E. FRONT STREET, TRENTON, NJ
BOARD ROOM**

- 1. NOTICE OF PUBLIC MEETING/PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. APPROVAL OF MEETING MINUTES**
 - a. Board Open Session Meeting Minutes of January 4, 2023
 - b. Board Executive Session Meeting Minutes of January 4, 2023
 - c. 2023 Organizational Meeting Minutes of January 4, 2023
- 4. AUTHORITY MATTERS**
 - a. CEO Report
 - b. Chairman's Report
- 5. REPORT AND RECOMMENDATIONS OF THE AUDIT COMMITTEE (CHAIRMAN'S REPORT)**
- 6. REPORT AND RECOMMENDATIONS OF THE SCHOOL REVIEW COMMITTEE (CHAIRMAN'S REPORT)**
 - a. Adoption of N.J.A.C. 19:32, Section 15 Grant Procedures
 - b. Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final Project Charter - Union City Public Schools District – Emerson Middle School - Roof Replacement & Stucco Repairs - Emergent Project
 - c. Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final Project Charter - Union City Public Schools District - Union Hill Middle School - Roof Replacement, Stucco and Masonry Repairs - Emergent Project
 - d. Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final Project Charter - Newark Public Schools District – University High School - Roof Replacement – Emergent Project
- 7. REPORT AND RECOMMENDATIONS OF THE REAL ESTATE COMMITTEE (CHAIRMAN'S REPORT) – TO BE REPORTED IN EXECUTIVE SESSION**
 - a. Real Property Acquisition and Associated Legal Matters - Newark, NJ (For Discussion)
- 8. MONTHLY REPORTS**
 - a. *For Informational Purposes*
 - i. Active Projects Report
 - ii. Project Status Reports
 - iii. Contracts Executed Report/Amendments & Change Orders Executed Report
 - iv. Contract Terminations Report (*no activity*)
 - v. Settlement Activities Report (*no activity*)
 - vi. Diversity and Workforce Participation Report
 - vii. Regular Operating District Grant Activity Report

- viii. Notification of Amendments to Goods and Services Contracts Not Exceeding \$100,000 or 10% of the Contract Value (*no activity*)
- ix. Communications Report
- x. Monthly Financial Report (*no report*)
- xi. Design Contract De-Obligations Report (*no activity*)

9. EXECUTIVE SESSION

- a. Real Property Acquisition and Associated Legal Matters - Newark, NJ (For Discussion)

- b. Litigation/Contract Matter(s) – OPMA Exemption N.J.S.A. 10:4-12b (7)
CCD Report

10. ADJOURNMENT

APPROVAL OF MEETING MINUTES

January 4, 2023 Open Session Minutes

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS MEETING
WEDNESDAY, JANUARY 4, 2023**

A meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, January 4, 2023 at 9:06 A.M. at the offices of the Authority at 32 East Front Street, Trenton, New Jersey.

Participating were:

Robert Nixon, Public Member, Chairman
 Juan Burgos (EDA)
 Kevin Luckie (DCA)
 David Moore (Treasury)
 Bernard Piaia (DOE)
Daniel Gumble, Public Member
Lester Lewis-Powder, Public Member
Michael Maloney, Public Member
Mario Vargas, Public Member

being all the Members of the Board. Mr. Gumble, Mr. Moore, Mr. Lewis-Powder, Mr. Piaia and Mr. Vargas participated in the meeting by teleconference.

At the Chairman's request, Manuel Da Silva, chief executive officer; Donald Guarriello, vice president and chief financial officer; Jane F. Kelly, vice president and assistant secretary; and Albert Barnes, chief counsel of the SDA, participated in the meeting. Janice Venables of the Governor's Authorities Unit (GAU) also participated in the meeting.

The meeting was called to order by Mr. Nixon, who requested that Ms. Kelly read the requisite notice of the meeting. Ms. Kelly announced that the meeting notice had been sent to the *Trenton Times* and *Star-Ledger* at least 48 hours prior to the meeting, and been duly posted on the Secretary of State's bulletin board at 20 West State Street in Trenton, New Jersey and on the

SDA Website. Ms. Kelly then conducted a roll call and indicated that all the Members of the Board were present.

Approval of Meeting Minutes

The Chairman presented for consideration and approval the minutes of the Board's December 7, 2022 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. Burgos and seconded by Mr. Mr. Luckie, the Open Session minutes of the December 7, 2022 SDA Board meeting were approved with the Members' unanimous vote in favor of the resolution attached hereto as ***Resolution 3a.***

Mr. Nixon next presented for consideration and approval the minutes of the Board's December 7, 2022 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. Luckie and seconded by Mr. Maloney, the Executive Session minutes of the December 7, 2022 SDA Board meeting were approved with the Members' unanimous vote in favor of the resolution attached hereto as ***Resolution 3b.***

Authority Matters

CEO Report

Mr. Nixon asked Mr. Da Silva for the report of the CEO. Mr. Da Silva said that he would like to start the New Year by thanking the Members for their support and commitment to the Authority's work. He also thanked Governor Murphy and the State Legislature for the funding that has been put in place which allows the Authority to advance the school construction program. Lastly, he thanked the SDA staff and the executive team, noting that that without them it wouldn't be possible to deliver schools.

Mr. Da Silva then provided the Board with an update on design-build projects in the design stage. He reported that Dobco, Inc. and Anser Advisory are advancing the Union City New Grade 7-9 School project as site work continues.

Turning to design/bid build projects in the construction stage, Mr. Da Silva reported that for the Perth Amboy High School and Plainfield Woodland Elementary School projects, both buildings have been equipped with temporary heat to enable the continuation of work throughout the winter. He advised the Members that work was completed on the Keansburg Port Monmouth Road School project and management is preparing the necessary paperwork in anticipation of receiving a full temporary certificate of occupancy. He said that for the Orange High School project, management delivered the final renovated areas and is currently finalizing the elevator. He added that staff anticipates performing additional scope relating to the installation of a greenhouse and partial replacement of the Orange Preparatory Academy gymnasium floor. He said that the Orange High School project charter is in need of updating as reflected in today's Board meeting agenda.

Next, Mr. Da Silva reported that final bid documents are under final review by the Department of Community Affairs and the Office of the State Comptroller for the Orange Cleveland Street Elementary School project. He added that the project's final phase is positioned for advertisement and the procurement of a general contractor.

In continuing, Mr. Da Silva said that distribution of the \$75 million grant program that the Authority received as part of the FY2023 Budget is well underway. He added that the SDA is also advancing fifteen emergent projects in all life cycle stages and is focused on work anticipated for the summer of 2023.

Finally, Mr. Da Silva said that staff is working on finalizing the Biannual Report for distribution by the end of the month.

Audit Committee

Mr. Nixon, as Audit Committee Chairman, reported that the Audit Committee met on December 19, 2022, at which time management provided the Committee with the November 2022 New Funding Allocation and Capital Plan Update. He said that staff informed the Committee that there were no changes in any of the reserve balances for either the SDA or Regular Operating Districts during the reporting period.

Next, Mr. Nixon advised the Board that the Internal Audit Division (IA) provided the Committee with the results of one interim, real-time project audit. He noted that the audit was conducted to ensure compliance with the statutory requirement that capital portfolio projects with a state share over \$10 million be reviewed to assess whether state funds were expended in accordance with contractual terms, SDA practices and state regulations. He said that IA also provided the Committee with a report on the current status of open audit recommendations and suggestions for improvement from the various project and operational audits.

Next, Mr. Nixon discussed the November 2022 Monthly Financial Report. He advised the Members that the Authority's operating expenses (Actual vs. Budget) for the year-to-date period total \$12.4 million, down \$2.3 million as compared to the budget for the corresponding period. He explained that this decrease is mainly attributable to lower salary and benefits expenditures than budgeted, partially offset by lower than projected payroll allocations to project expenditures and other personnel expenses including: temporary staffing, travel, and training & professional development. He said that other contributing factors are lower spending for contracted services, information system purchases and general office expenses. He reported that the current employee (FTE) headcount as of November 30, 2022 is 129 a decrease of 41 employees from the year-to-date budget. He advised the Members that the Authority's operating expenses (Actual vs. Budget) for the year-to-date period total \$12.4 million, \$323,000 lower as

compared to the budget for the corresponding period. He explained that this decrease is mainly attributable to lower personnel costs than budgeted, partially offset by a lower than projected payroll expense allocation to project costs. He said that the current number of FTEs, at 129 on November 30, 2022, is down by 24 FTEs as compared to the corresponding prior year. He clarified, however, that the SDA actually has 128 FTEs on staff at the present time. Mr. Nixon then reported that school facilities project expenditures (Actual vs. Forecast) for the year-to-date period total \$257.3 million, \$14 million higher as compared to the capital spending forecast for the corresponding period. He advised that this variance is the result of higher than forecasted expenditures in grant activity, offset by a decrease in construction activity, project insurance, payroll expense allocation, school furniture and design services. He reported that project expenditures (Actual vs. Prior Year Actual), at \$257.2 million, are \$17.2 million higher as compared to the corresponding prior year period. He explained that the variance is due to an increase in grant activity, offset by a decrease in construction activity, furniture purchases, CM services, project insurance and payroll expense allocation. Mr. Nixon said that since program inception, 78.1% of the funds authorized for the SDA districts have been disbursed. Additionally, he noted that 96% of all SDA disbursements relate to school facilities projects, while 4% relate to operating expenses. He advised that the estimated value of active school facilities capital projects, along with emergent and regular operating district grant projects, is approximately \$1.2 billion.

Mr. Nixon then advised the Members that the Committee discussed one action item for Board consideration--a proposed Grant Agreement between the Authority and the state Department of the Treasury. He said that the Board will discuss this item in Executive Session and vote upon its return to Open Session.

School Review Committee

The Chairman asked Mr. Luckie to provide the report of the School Review Committee. Mr. Luckie reported that the School Review Committee met on December 19, 2022, at which time three items were discussed. Mr. Luckie said that management is seeking approval of two credit change orders (CCO) for the Orange Cleveland Street Elementary School (OCES or School) project (Project). By way of background, he said that the OCES in the Orange School District (District) is a 38,750 square foot facility educating 306 students in grades Kindergarten to 7. He reminded the Members that SDA is advancing an addition and renovation project at the School. He said that the Project scope includes an 11,550 square foot addition and renovations to the existing facility to address overcrowding. He advised the Board that the Project would also allow a change in grade alignment to Pre-K through grade 6 consistent with the District's Long Range Facilities Plan.

Mr. Luckie said that on March 6, 2019, the Board approved the Project's final charter and a contract award to Brockwell & Carrington Contractors (Brockwell) for construction services. He said that the SDA then issued a notice-to-proceed (NTP) to Brockwell on May 2, 2019 to proceed with the constructability review to verify the constructability and coordination of the work, the elimination of conflicts in the work, and the completeness of the work consistent with the contract documents. He reported that two years after issuance of the NTP, the Authority issued Brockwell a Notice of Termination for Convenience on January 20, 2022. He noted that Brockwell was directed to complete portions of the work and to demobilize from the Project site by March 1, 2022.

In continuing, Mr. Luckie said that management is now asking the Board to approve two CCOs for the Project. He said that CCO No. 44, in the amount of (\$1.6 million), would credit the unused amount of funds previously authorized to Brockwell for work not completed prior to

termination of the contract. He said that CCO No. 46, in the amount of (\$8.5 million), would credit the unused balance of contract funds remaining on Brockwell's contract for work not completed prior to termination. He noted that these change orders (CO) are necessary to finalize contract closeout with Brockwell.

Mr. Luckie then advised the Board that management had provided the Committee with the details of two additional COs associated with the Project that do not require Board approval. He said that these are CO No. 43, in the amount of \$381,000, which would address the extended general conditions incurred by Brockwell for the three months they remained on site following the contract's completion date; and CCO No. 45, in the amount of (\$59,000), which would credit bond and insurance values included in Brockwell's contract that were unused and are no longer required due to the contract's termination. He reported that the balance of unused contract funds resulting from CCOs No. 44, 45 and 46 will be used for the completion of the Project under a new construction services contract. He said that staff is preparing to procure the new contract with revised design documents in order to complete the Project. He noted that the planned revised forecasted substantial completion date is August 2024. He concluded by reiterating that management is seeking Board approval of CCOs No. 44 and 46.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon motion duly made by Mr. Burgos and seconded by Mr. Maloney, Credit Change Orders No. 44 and 46 for Brockwell & Carrington Contractors were approved with the Board's unanimous vote in favor of ***Resolution 6a***.

Next, Mr. Luckie advised that management is seeking Board approval of three actions in connection with the Orange High School (OHS or High School) project (Project). He reported that the OHS is a 145,294 square-foot facility educating 804 students in grades 10 to 12. He said that in March 2019, the Members approved an award to Terminal Construction Corporation

(Terminal) for construction services, along with a final charter for a Project at the High School. He explained that the Project scope includes a two-story addition of approximately 50,000 square feet; an enclosed connecting bridge between the High School and the nearby OPA; and selective renovations to the existing High School building to address facilities conditions deficiencies. He added that the Project also includes an allowance to address limited facilities conditions deficiencies at the OPA.

In continuing, Mr. Luckie informed the Members that in April 2019, the SDA issued an NTP to Terminal to commence performance of a constructability review. He said that as part of the process and after its completion, SDA management authorized an allowance increase and various change orders for the Project. He advised that the Board memorandum also references a 2022 revision to the final project charter, a release of funds from the Program Reserve and the reestablishment of the construction contract value in connection with the Project. He explained that management is now asking the Board to approve CO No. 233 in the not-to-exceed amount of \$550,000.00 in order to furnish and install a replacement greenhouse on the Project's recently installed new greenhouse footings. He said that, as the Board memorandum explains, the original intent was to relocate the existing greenhouse but that it was found to be structurally unsound. He added that the new greenhouse structure is currently being designed by the architect and the design is expected to be completed in January 2023.

Next, Mr. Luckie said that the second action for Board consideration involves the Project's final charter approved in March 2019. He reported that the charter includes various budget line items that are now known to be insufficient to support completion of the Project. He explained that management is now seeking Board approval to revise the final project charter and provide the additional funding needed to ensure that there are sufficient funds to complete the Project.

Mr. Luckie said that the Board memorandum describes the unforeseen, hidden conditions that were encountered over the course of construction, noting that the same were not identified on the “as built” plans of the existing High School that were provided to the architect of record for use during design. He explained that since these unforeseen conditions required the issuance of numerous COs to Terminal as the Project advanced, management has determined that the value inclusive of this work, as well as the prior executed change orders, represents the true value of the work necessary to advance the Project. He advised the Board that, for this reason, management recommends that the Board approve the proposed adjusted contract value inclusive of all approved change orders through November 30, 2022 as the appropriate baseline for the ongoing application of Operating Authority requirements. He said that, upon receipt of Board approval today, management will again seek Board approval should future change orders individually exceed \$500,000.00, or singularly or in the aggregate exceed 10% of the reestablished contract amount of \$44.2 million.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon motion duly made by Mr. Burgos and seconded by Mr. Maloney, Change Order No. 233, the revised project charter and proposed reestablishment of the general contractor’s contract value for the Orange High School project were approved with the Board’s unanimous vote in favor of ***Resolution 6b***.

Next, Mr. Luckie said that management had also discussed with the Committee the details of the proposed Grant Agreement between the SDA and the state Department of the Treasury that Mr. Nixon will be presenting to the Board in Executive Session.

Mr. Nixon then asked for a motion to adjourn the Open Session of the meeting into Executive Session. He asked Ms. Kelly to announce the matter to be considered by the Board in Executive Session. Ms. Kelly said that the Board will consider management’s request for Board

authorization to execute a Grant Agreement between the Authority and the state Department of the Treasury. She said that the Board will vote on this matter upon its return to Open Session.

Upon motion by Mr. Burgos and seconded by Mr. Luckie the Board unanimously voted to approve ***Resolution No. 8.*** and thereby adjourn the Open portion of the meeting into Executive Session.

Following the Board's return to Open Session, Mr. Nixon announced that in Executive Session the Board had discussed management's and the Audit Committee's recommendation for approval of the proposed Grant Agreement between the SDA and the state Department of the Treasury.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon motion duly made by Mr. Luckie and seconded by Mr. Piaia, the Board approved the proposed Grant Agreement between the SDA and the state Department of the Treasury with the Board's unanimous vote in favor of ***Resolution 5a.***

Adjournment

There being no further business to come before the Board, upon motion by the 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 January 4, 2023 meeting.

/s/ Jane F. Kelly
Assistant Secretary

Resolution—3a./3b.

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 January 4, 2023 Board meeting of the New Jersey Schools Development Authority, for the Open and Executive Sessions were duly forwarded to the Office of the Governor following the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the minutes of the New Jersey Schools Development Authority's January 4, 2023 Open and Executive Session meetings are 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: March 1, 2023

2023 Organizational Meeting Minutes of January 4, 2023

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
2023 ORGANIZATIONAL BOARD OF DIRECTORS MEETING
32 EAST FRONT STREET, TRENTON, NEW JERSEY
BOARD ROOM
WEDNESDAY, JANUARY 4, 2023**

The Annual Organizational meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, January 4, 2023 at 9:00 a.m.

Participating were:

Robert Nixon, Chairman
Juan Burgos (EDA)
Kevin Luckie (DCA)
Bernard Piaia (DOE)
David Moore (Treasury)
Daniel Gumble
Michael Maloney
Lester Lewis-Powder
Mario Vargas

being all the Members of the Board.

At the Chairman's request, Manuel Da Silva, chief executive officer; Jane F. Kelly, vice president & assistant secretary; Donald Guarriello, vice president & chief financial officer; and Albert Barnes, chief counsel (teleconference) of the SDA, participated in the meeting. Mr. Gumble, Mr. Moore, Mr. Lewis-Powder, Mr. Piaia and Mr. Vargas participated in the meeting by teleconference. Janice Venables of the Governor's Authorities Unit also participated in the meeting.

Pledge of Allegiance

Led by the Chairman, the Members and all assembled stood and recited the Pledge of Allegiance.

The Chairman of the Board, Mr. Nixon, called the meeting to order. He wished everyone a happy new year and thanked the Board Members and staff for their hard work and dedication to the mission of the SDA throughout the year.

Next, Mr. Nixon welcomed the Members, SDA staff and the public to the SDA's 2023 Annual Organizational meeting.

The Chairman requested that Ms. Kelly read the requisite notice of the meeting. Ms. Kelly announced that the meeting notice had been sent to the *Trenton Times* and *Star-Ledger* at least 48 hours prior to the meeting, and been duly posted on the Secretary of State's bulletin board at 20 West State Street in Trenton, New Jersey and on the SDA Website. Ms. Kelly then conducted a roll call and indicated that all the Members of the Board were present.

Mr. Nixon then presented the matters on the agenda for Board consideration. Referencing the Organizational Meeting materials that staff provided to the Board in advance of the meeting, Mr. Nixon announced that the first matter requiring Board approval is the election of Authority Officers for 2023. He then identified the individuals put forward for Board consideration and the positions in which they would serve: Vice Chairperson—Mario Vargas; Treasurer—Elizabeth Muoio, State Treasurer; Secretary—Michael Maloney; Chief Executive Officer—Manuel Da Silva; Assistant Treasurer—Donald Guarriello; and Assistant Secretary—Jane F. Kelly. As was noted in the materials provided to the Board, the position of Assistant Secretary, a staff position, also is responsible for all Authority corporate governance and compliance responsibilities.

Mr. Nixon requested a motion to elect as the officers of the Authority those individuals whose names he had just announced. Upon a motion by Mr. Luckie and seconded by Mr. Burgos, the Board approved the slate of SDA Officers proposed for 2023 with its unanimous vote in favor of **Resolution 3a**.

Mr. Nixon then announced those Board Members that he is appointing to serve as Committee Chairs and Members for 2023. The individuals appointed by the Chairman to serve as Chairs and

Members of the Authority's Audit, Real Estate and School Review Committees respectively are as follows:

Audit Committee

1. **Robert Nixon, Chairperson** (Public Member)
2. State Treasurer (or designee, as permitted by Section 2.7 of the By-Laws)
3. Mario Vargas (Public Member)

Real Estate Committee

1. **Mario Vargas, Chairperson** (Public Member)
2. Commissioner of the New Jersey Department of Community Affairs (or designee, as permitted by Section 2.7 of the By-Laws)
3. Lester Lewis-Powder (Public Member)

School Review Committee

1. **Kevin Luckie** (New Jersey Department of Community Affairs designee, as permitted by Section 2.7 of the By-Laws)
2. Chief Executive Officer of the New Jersey Economic Development Authority (or designee as permitted by Section 2.7 of the By-Laws)
3. Commissioner of the New Jersey Department of Education (or designee, as permitted by Section 2.7 of the By-Laws)
4. Daniel Gumble (Public Member)
5. Michael Maloney (Public Member)
6. Mario Vargas (Public Member)

The Chairman then reminded the Board that the Audit Committee Charter requires that at least one member of the Audit Committee be designated by the Board to serve as the Committee's financial expert. He said that his recommendation for Audit Committee financial expert is David Moore, Treasury Designee. Mr. Nixon then requested a motion to approve the nomination of Mr. Moore to serve as the Audit Committee's financial expert in 2023. Upon motion duly made by Mr. Maloney and seconded by Mr. Burgos, the Board approved the nomination of David Moore to serve as the Audit Committee's financial expert upon its unanimous vote in favor of **Resolution 3bi**.

Mr. Nixon next stated that a proposed 2023 Board meeting schedule, to be operative until the Authority's next Annual Organizational meeting, was included in the meeting materials as **Exhibit E**. Mr. Nixon requested a motion to adopt the Board meeting schedule as proposed. Upon motion duly made by Mr. Burgos and seconded by Mr. Vargas, the Members approved the Board meeting schedule for 2023 as presented with its unanimous vote in favor of **Resolution 3c**.

ADJOURNMENT

There being no further business to come before the Board, upon motion by the Chairman and with unanimous consent, the Authority's 2023 Annual Organizational 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 2023 Annual Organizational meeting held January 4, 2023.

/s/ Jane F. Kelly
Assistant Secretary

Resolution—3c.

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 January 4, 2023 Organizational Meeting of the New Jersey Schools Development Authority were duly forwarded to the Office of the Governor following the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the minutes of the New Jersey Schools Development Authority's January 4, 2023 Organizational 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: March 1, 2023

AUTHORITY MATTERS

CEO REPORT

CHAIRMAN'S REPORT

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

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

Adoption of N.J.A.C. 19:32, Section 15 Grant Procedures



STATE OF NEW JERSEY

SCHOOLS DEVELOPMENT AUTHORITY

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: March 1, 2023

RE: Adoption of N.J.A.C. 19:32, Section 15 Grant Procedures

On June 8, 2022 the Members of the New Jersey Schools Development Authority (“Authority” or “SDA”) approved for proposal and publication a Notice of Proposal for Readoption of the Authority’s Section 15 Grant Procedures, N.J.A.C. 19:32 (the “Rules”) with minor amendments. Subsequently, due to the intervening expiration of the underlying rules, the Notice was converted to a Notice of Adoption of New Rules and published in the New Jersey Register on September 6, 2022.

Management of the Authority seeks the Members’ approval to formally adopt the Rules as published in the New Jersey Register. The proposed Notice of Adoption is attached hereto, along with a copy of the Rules as proposed and published in the New Jersey Register.

Background

The Rules govern the SDA’s administration of a grant program for the state share of the final eligible costs of certain school facilities projects undertaken by non-SDA districts, pursuant to Section 15 of the Educational Facilities Construction and Financing Act.

The new Rules are the same as the previously adopted version, with two minor modifications that are intended to reflect the Authority’s current procedures for grant administration, and to facilitate electronic submissions in the grant administration process. The first section, N.J.A.C. 19:32-2.4, captioned “Execution of the grant agreement,” has eliminated a prior requirement that the district submit a “certified, true sealed copy” of the district resolution authorizing entering into the grant agreement, in favor of requiring only the submission of a “true copy” of the resolution. This change was proposed to facilitate administration of the grant process utilizing electronic documents. Additionally, this new section differs from the prior version in that it no longer refers to an obsolete signage requirement for grant projects.

A second section, N.J.A.C. 19:32-2.4, captioned "Checklists," states that grant checklists may be filed by a district electronically, rather than as hard-copy documents, but this section is altered to clarify that electronic filing is at the SDA's option, not the district's.

Requested Board Action

The Members of the Authority are requested to approve the adoption of the new Rules for Section 15 Grant Procedures in the form previously published in the New Jersey Register, and are further requested to authorize 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

Section 15 Grant Procedures

Readoption with Amendments: N.J.A.C. 19:32

Adopted New Rules: N.J.A.C. 19:32

Proposed: September 6, 2022, at 54 N.J.R. 1694(a)

Adopted: March 1, 2023, by the New Jersey Schools Development Authority, Manuel M. Da Silva, Chief Executive Officer.

Filed: DATE, as R. 2023 d. ____, **without change.**

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

Effective Date: [PUBLICATION DATE]

Expiration Date: [PUBLICATION DATE +7 yrs]

Summary of Public Comment and Agency Response: No comments were received.

Federal Standards Statement

The new rules implement a State statute, specifically N.J.S.A. 18A:7G-15. There are no Federal standards or requirements applicable to the new rules. A Federal standards analysis, therefore, is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 19:32.

Full text of the adopted amendments and new rules follows:

TEXT

54 N.J.R. 1694(a)

VOLUME 54, ISSUE 17, SEPTEMBER 6, 2022

RULE PROPOSALS

Reporter

54 N.J.R. 1694(a)

NJ - New Jersey Register > 2022 > SEPTEMBER > SEPTEMBER 6, 2022 > RULE PROPOSALS > OTHER AGENCIES -- NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Interested Persons Statement

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

Agency

OTHER AGENCIES > NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Administrative Code Citation

Proposed New Rules: N.J.A.C. 19:32

Text

Section 15 Grant Procedures

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

Authority: P.L. 2007, c. 137, § 4k (N.J.S.A. 52:18A-238k; 52:18A-240) (rulemaking authority); P.L. 2000, c. 72 (N.J.S.A. 18A:7G-1 et seq.); and P.L. 2007, c.137 (N.J.S.A. 52:18A-235 et seq.) (enabling statutes).

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

Proposal Number: PRN 2022-114.

Submit written comments by November 5, 2022, 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 Section 15 Grant Procedures rules of the New Jersey Schools Development Authority (SDA), codified at N.J.A.C. 19:32-1 through 4, were originally adopted to implement Section 15 of the Educational Facilities Construction and Financing Act ("EFCFA" or "the Act"), P.L. 2000 c. 72 (N.J.S.A. 18A:7G-1 et seq.). Section 15 of the Act established a grant program for those school districts that were not included in the category of "SDA Districts" eligible to have their school facilities projects fully funded and constructed by the SDA. The Section 15 Grant Procedures rules expired on July 1, 2022, therefore, the SDA is now proposing the expired rules as new rules, with technical changes, not otherwise discussed, and with three minor substantive changes that are discussed below.

The Section 15 Grant Procedures rules will govern the SDA's continued administration of the grant program for non-SDA districts, which funds the State share of the final eligible costs of qualifying school facilities projects in non-SDA districts, pursuant to Section 15 of the Act.

As the SDA 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.

A summary of the expired rules proposed herein as new rules follows.

[page=1695] **Subchapter 1. General Provisions**

N.J.A.C. 19:32-1.1 Applicability and Scope

This section provides that the rules implement Section 15 of the Act by creating a program under which school districts that have not been designated as "SDA districts" pursuant to the Act (non-SDA districts) can apply for and receive grant monies to fund school facilities projects (Section 15 grants). This section further provides that non-SDA districts that wish to apply for Section 15 grants and those that have received grant funding are required to comply with the rules.

N.J.A.C. 19:32-1.2 Construction of Rules

This section provides that Chapter 32 is to be liberally construed to permit the SDA to discharge its statutory functions under the Act.

N.J.A.C. 19:32-1.3 Definitions

This section sets forth the meaning of the words and terms used throughout Chapter 32.

N.J.A.C. 19:32-1.4 Administration and Performance of Grant Agreements

This section provides that the applicant school district, not the SDA, is responsible for the administration and success of a school facilities project funded by a grant pursuant to Chapter 32, and states that grant funds awarded pursuant to this chapter shall be used in conformance with the Act, this chapter, and the provisions of the grant agreement between the district and the SDA, to achieve the purposes of the grant and the Act.

N.J.A.C. 19:32-1.5 Disclosure and Publicity

This section provides that grant applications and submission materials shall constitute public records subject to disclosure to requestors in accordance with State law, and that the dissemination of information by the district regarding the school facilities project shall acknowledge the SDA's financial assistance.

N.J.A.C. 19:32-1.6 Access and Record Retention

This section provides that the SDA, the Economic Development Authority (EDA), the Department of Education (DOE), and other governmental units shall have broad access to records pertaining to the school facilities project and that a district and its contracted parties are required to provide such access. This section also requires a district to include in all contracts a provision requiring contracted parties to permit the SDA, EDA, and other governmental units to investigate, audit, examine, and inspect these records. This section additionally addresses record retention requirements for records relating to school facilities projects funded with Section 15 grants. Subsection (c) is proposed to be relocated as paragraph (b)3.

N.J.A.C. 19:32-1.7 Fraud and Other Unlawful or Corrupt Practices

This section addresses a district's responsibilities in administering grant moneys provided pursuant to this chapter in a proper manner, free from bribery, graft, and corrupt practices. This section also provides that a district must take appropriate remedial actions with respect to any allegations or evidence of such illegality or corrupt practices.

N.J.A.C. 19:32-1.8 Debarment

This section provides that a district and its consultants or contractors shall not enter into a contract for work on a school facilities project with any person or firm that has been debarred, suspended, or disqualified from State, SDA, EDA, or Federal government contracting. This section also sets forth requirements for statements in contracts and bid specifications relating to debarment, suspension, or disqualification from contracting. Further, this section mandates that the applicant district has a continuing affirmative obligation to notify the SDA and the Attorney General's Office, in writing, whenever it has knowledge that any contracted party, subconsultant, or subcontractor is on a debarment list maintained by the State, SDA, EDA, or the Federal government.

N.J.A.C. 19:32-1.9 Noncompliance

This section provides that in the event of noncompliance with any provisions of the Act, any condition of the grant agreement, or any requirement of this chapter, the SDA may take one or more of the following remedial actions: issuing a notice of noncompliance, withholding grant moneys, suspending the provision of grant moneys, or terminating the grant agreement and rescinding the grant moneys, in accordance with various provisions of this chapter.

N.J.A.C. 19:32-1.10 Notice of Noncompliance

This section addresses the issuance of a notice of noncompliance to a district that has failed to comply with any condition of the grant agreement, provision of the Act, or other requirement of this chapter governing the Section 15 grant program. The issuance of a notice of noncompliance is required before the SDA may take the remedial actions set forth at N.J.A.C. 19:32-1.11 and 1.12.

N.J.A.C. 19:32-1.11 Withholding of Funds

This section provides that the SDA may withhold, upon written notice to the district, grant disbursements, or any portion thereof, when the SDA determines that a district has failed to comply with any provision of the Act, any condition of the grant agreement, or any requirement of this chapter.

N.J.A.C. 19:32-1.12 Termination of the Grant Agreement for Cause

This section sets forth the procedures for terminating the grant agreement upon an event of default, defining events of default, describing the process of termination and termination actions, addressing assignment of contracts, return of funds by the

district, and payment by the district of expenses incurred by the SDA in collecting the repayment of the grant or enforcement of performance or observation of other obligations of the district in the event of default.

N.J.A.C. 19:32-1.13 Termination by Mutual Agreement

This section provides that the SDA and the district may terminate the grant agreement when both parties agree that the continuation of the school facilities project would not produce beneficial results commensurate with the further expenditure of funds.

N.J.A.C. 19:32-1.14 Severability

This section states that if any provision of this chapter, or the application thereof, is held invalid by a court of competent jurisdiction, that invalidity will not affect other provisions or applications.

N.J.A.C. 19:32-1.15 Appeals

This section provides for the commencement of an informal appeals process at the discretion of the district in response to a decision of the SDA, and a formal hearing in the event that the matter is a contested case.

Subchapter 2. Grant Eligibility Requirements

N.J.A.C. 19:32-2.1 Applicability

This section provides that this subchapter establishes the SDA's procedures and requirements governing the eligibility determination for a grant and the execution of every grant agreement pursuant to Section 15 of the Act.

N.J.A.C. 19:32-2.2 Conditions for Eligibility

This section sets forth the conditions for grant eligibility, including approval of the district's long-range facilities plan, DOE approval of the school facilities project, a DOE determination of the project's final eligible costs and the State share, DOE approval of the educational specifications and schematic plans for the project, as well as any land acquisition or facility acquisition for the project, any final disposition of an appeal taken by the district to any of the required approvals, and approval of the district's local share.

N.J.A.C. 19:32-2.3 Eligibility Determination

This section addresses the conditions precedent for the SDA's determination of the district's grant eligibility, namely providing evidence of the approvals required at N.J.A.C. 19:32-2.2.

N.J.A.C. 19:32-2.4 Execution of the Grant Agreement

This section addresses the terms and conditions for execution of the grant agreement. This section further provides for an 18-month time period during which the district must secure funding for the local share of the school facilities project, automatic rescission of the offer upon expiration of the 18-month period if the district has not secured such [page=1696] funding, and the process for reinstating an offer. This section is proposed for amendment to delete a requirement that the district submit a "certified, true sealed copy" of the district resolution authorizing entering into the grant agreement, in favor of requiring only the submission of a "true copy" of the resolution, to facilitate administration of the grant process utilizing electronic documents. An additional proposed amendment deletes reference to an obsolete signage requirement for grant projects.

N.J.A.C. 19:32-2.5 No Assignment of Grant Agreement or Grant by the District

This section prohibits the district from assigning the grant agreement or grant, but permits the SDA to assign the grant agreement to another instrumentality of the State.

N.J.A.C. 19:32-2.6 Effect of Grant Awards

This section addresses when the grant agreement is effective, that it shall constitute an obligation in the amount of the grant agreement, but that the award of the grant shall not be used as a defense by the district to an action brought by any governmental agency on account of the district's failure to comply with the Act or in order to obtain any requisite permit, license, or operating certificate.

Subchapter 3. Disbursement of the Grant

N.J.A.C. 19:32-3.1 Amount of the Grant

This section provides that the grant shall be in the amount of the State share and may be reduced upon final completion. This section also requires the district to certify to the SDA the total costs of the school facilities project and requires the SDA to adjust the amount of the grant if the total costs are less than the final eligible costs.

N.J.A.C. 19:32-3.2 Cost Overruns

This section provides that cost overruns of the school facilities project shall be the sole responsibility of the district.

N.J.A.C. 19:32-3.3 Legal and/or Equitable Interest

This section provides that the district shall have no legal or equitable interest in the assets of the EDA or the SDA, or in any amount that may be on deposit in the funds and accounts of the EDA or the SDA, which may provide funding of the grant.

N.J.A.C. 19:32-3.4 Disbursements

This section provides that the disbursement of grant funds shall be made at intervals as work progresses and expenses are incurred by the district and approved by the corporation. The general disbursement schedule consists of a five-disbursement schedule as follows: a first disbursement after completion of the design phase checklist and other requirements, subsequent disbursements upon completion of each of three construction completion steps, and a final disbursement upon final completion. This section provides for an alternate disbursement schedule tailored to small school facilities projects (final eligible costs less than or equal to \$ 250,000), which provides for only three disbursements. Finally, this section contains a waiver provision from the applicable schedule of disbursements in the case of special circumstances and/or extraordinary need.

N.J.A.C. 19:32-3.5 Conditions Precedent to Payment of a Disbursement

This section sets forth the conditions precedent to the payment of a disbursement by the SDA to a district.

N.J.A.C. 19:32-3.6 Checklists

This section provides that the district shall be required to report to the SDA on the progress of the school facilities project by completing various checklists at various time points during the design and construction of the school facilities project. This section further outlines the procedure for submitting construction phase checklists. The district will be required to provide the SDA with the checklist for each separate bid advertisement and ensuing contract prior to the SDA's disbursement for a construction percentage completed that includes each such contract's work. This section is proposed for amendment as it specifies that the filing of checklists electronically, rather than as hard-copy documents, is at the Authority's option, not the district's.

N.J.A.C. 19:32-3.7 Closeout Procedures

This section provides that closeout shall occur when all applicable administrative actions and all required work have been completed by the district. This section also enumerates the steps for closeout.

Subchapter 4. Undertaking the School Facilities Project

N.J.A.C. 19:32-4.1 General Provisions

This section requires the school district to design and construct the school facilities project pursuant to the plans and specifications, and as approved by the DOE. This section also addresses changes in the school facilities project impacting

educational adequacy and the DOE approval needed for such change orders. It specifies that such changes, whether reviewed by the DOE or not, are not eligible for funding under the grant agreement. This section also imposes a continuing obligation on the district to advise the SDA of any proposed changes to the project, or changed conditions for the project.

N.J.A.C. 19:32-4.2 Contract Award and Compliance

This section addresses the district's broad range of responsibilities in awarding contracts for the school facilities project, supervising design and construction, monitoring performance to ensure efficient and effective completion, exhausting remedies in the event of default, and taking action deemed by the district to be reasonably necessary to address a contracting party's default or breach of warranty. This section requires the district to obtain and maintain licenses and certifications required by governmental authorities, to award contracts in accordance with the Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq., and the SDA's prequalification requirements, and to include in construction contracts provisions regarding compliance with the New Jersey Prevailing Wage Act and the New Jersey Law Against Discrimination. This section incorporates the School Ethics Law by reference, and also contains other conflict of interest provisions requiring reporting by the district of certain improprieties to the Attorney General and the State Ethics Commission. This section further addresses the registration of contractors and subcontractors, the maintenance plan of a school facilities project, proof of insurance, district responsibilities regarding preservation of the tax-exempt status of bonds issued by the EDA, a variety of required district certifications, bid guarantees, performance bonds, and general language providing that the Authority may impose such other conditions, as may be necessary and appropriate, to implement the laws of the State and effectuate the purpose and intent of the Act.

Social Impact

The expired rules proposed herein as new rules will apply to all non-SDA school districts that seek to have the State share of the final eligible costs of a school facilities project funded by an SDA grant pursuant to Section 15 of the Act, conditioned upon available State grant funding. The SDA believes that the expired rules proposed herein as new rules will have a positive social impact and that no negative impact will result. The provision of State share for these school facilities projects will affect school administrators, parents, students, teachers, and local taxpayers in a variety of ways. The funding of State share through Section 15 grants will enable students, teachers, and parents to benefit from school facilities that satisfy health and safety standards, and increase capacity to meet expanding enrollments.

Economic Impact

The expired rules proposed herein as new rules will support the continued implementation of Section 15 of the Act, one of the largest public infrastructure investments programs in the State's history. From the inception of the Section 15 grant program in 2002 through July 31, 2022, the SDA has executed 5,404 Section 15 grant agreements in all 21 counties of the State. To date, over 1,700 schools in 524 districts have been impacted by the Section 15 grant program. Total project costs amount to over \$ 8.9 billion for which the State share totals over \$ 3.0 billion.

State share funding provided through Section 15 grants will encourage many districts to undertake school facilities projects that they could not otherwise afford and may have previously deferred. Significant activity in the planning, construction, architecture, and engineering professions will directly result from the expired rules proposed herein as new rules, [page=1697] providing obvious Statewide economic benefits in the short-term. New and improved school facilities will support the achievement of the Core Curriculum Content Standards by New Jersey's students, providing longer-term economic benefits as well. Section 15 grants may be funded with State contract bonds issued by the New Jersey Economic Development Authority pursuant to section 14 of the Act. The expired rules proposed herein as new rules further provide that the SDA may collect fees and recover expenses from school districts incurred in the collection of the repayment of the grant or in the enforcement of performance or observation of any other duties of the district upon an event of default.

Federal Standards Statement

The expired rules proposed herein as new rules implement a State statute, specifically N.J.S.A. 18A:7G-15. There are no Federal standards or requirements applicable to the expired rules proposed herein as new rules. A Federal standards analysis, therefore, is not required.

Jobs Impact

The expired rules proposed herein as new rules provide a mechanism for grants to fund the State share of school facilities projects in eligible districts. Thus, to the extent the expired rules proposed herein as new rules have an effect on jobs, it will be to create jobs in New Jersey, primarily in the construction, consulting, and service sectors, rather than eliminate positions.

Agriculture Industry Impact

The expired rules proposed herein as new rules will have no impact on the agriculture industry.

Regulatory Flexibility Statement

The expired rules proposed herein as new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined at N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. The expired rules proposed herein as new rules primarily impact New Jersey public schools.

Housing Affordability Impact Analysis

The expired rules proposed herein as new rules address the administration of a grant program for funding the State share of the construction of school facilities projects and, therefore, will not have an impact on the affordability of housing or evoke a change in the average costs of housing in the State of New Jersey.

Smart Growth Development Impact Analysis

The expired rules proposed herein as new rules will have an insignificant impact on smart growth development because it is extremely unlikely that the adoption of the expired rules proposed herein as new rules would evoke a change in the average price or availability of housing in the State of New Jersey Planning Areas 1 or 2, or within designated centers under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The SDA has evaluated this rulemaking and determined that it 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 expired rules proposed herein new rules may be found in the New Jersey Administrative Code at N.J.A.C. 19:32.

Full text of the proposed amendments to the expired rules proposed herein as new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

19:32-1.1 Applicability and scope

[These rules are] **This chapter is** promulgated by the New Jersey Schools Development Authority ("SDA" or the "Authority") to implement Section 15 of the Educational Facilities Construction and Financing Act, P.L. 2000, c. 72 (N.J.S.A. 18A:7G-15) and section 26 of P.L. 2007, c. 137 (collectively, the "Act"). Section 15 of the Act establishes a grant program to fund the State share of the final eligible costs of school facilities projects undertaken by school districts other than SDA school districts. [These rules are] **This chapter is** adopted in order to provide the mechanism whereby school districts [which] **that** are eligible to receive grants from the Authority can receive such grants and to ensure that these grant funds are used properly by the school districts. Any district applying for a grant or having received a grant pursuant to the Act shall, at a minimum, comply with the requirements of this chapter, as applicable.

19:32-1.3 Definitions

(a) The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise. Words in the singular shall include the plural and words in the plural shall include the singular where the context so requires.

...

"Capital maintenance project" means a school facilities project intended to extend the useful life of a school facility, including upgrades and replacements of building systems, such as structure, enclosure, mechanical, plumbing, and electrical systems.

...

"Consultant" means a consultant, including a design consultant, engaged by the district for a school facilities project providing professional services associated with research, development, design, and construction administration, alteration, or renovation of real property, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform. A consultant may provide services including studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual designs, plans and specifications, cost estimates, construction management, inspections, shop drawing reviews, preparation of operating and maintenance manuals, and other related services. There may be one or more consultants engaged by the district for a school facilities project.

...

"Event of default" means any event specified [in] at N.J.A.C. 19:32-1.12.

...

"Final eligible costs" means the final approved costs of a school facilities project, as determined pursuant to N.J.S.A. 18A:7G-5(h)(1) **5.h(1)** and N.J.A.C. 6A:26-3.6.

"Governmental authority" means the United States, the State or any political subdivision thereof, and any agency, department, commission, board, bureau, or instrumentality which has jurisdiction over a school facilities project or any part thereof or over the design, construction, equipping, use or occupancy of a school facilities project.

...

"Other facilities" means athletic stadiums, swimming pools, any associated structures or related equipment tied to such facilities, including, but not limited to, grandstands and night field lights, greenhouses, facilities used for non-instructional or non-educational purposes, and any structure, building, or facility used solely for school administration.

...

"Preliminary eligible costs" means the initial approved costs of a school facilities project determined pursuant to the formulas set forth [in] at N.J.S.A. 18A:7G-7, which shall be deemed to include the costs of construction and other allowable costs.

...

"Requirements" means any law, ordinance, order, rule, or regulation of a governmental authority applicable to a school facilities project, a grant, and the work performed thereunder.

...

"School facilities project" means the planning, acquisition, demolition, construction, improvement, alteration, modernization, renovation, reconstruction, or capital maintenance of all or any part of a school facility or of any other personal property necessary for, or ancillary to, any school facility, and shall include fixtures, furnishings, and equipment, and shall also include, but is not limited to, site acquisition, site development, the services of design professionals, such as engineers and architects, construction management, legal services, financing costs, and administrative costs and expenses incurred in connection with the school facilities project.

[page=1698] . . .

"State share" means the State's proportionate share of the final eligible costs, which equals the district aid percentage or 40 percent, whichever is greater as provided [in] at N.J.S.A. 18A:7G-15.

...

"Term" means the term of the grant agreement, which shall commence on the commencement date and shall end on the expiration date, unless sooner terminated.

...

"Unavoidable delays" means any delays due to weather, strikes, acts of God, governmental restrictions, enemy action, civil commotion, fire, unavoidable casualty, or other causes similarly beyond the control of the district; provided, however, that any lack of funds beyond those funds to be provided pursuant to the grant agreement shall not be deemed a cause beyond the control of the district.

...

(b) Words and terms implementing the Act, but not defined in this section, shall have the meanings defined [in] **at** N.J.A.C. 6A:26-1.2.

19:32-1.6 Access and record retention

(a) (No change.)

(b) The responsibilities of the district and/or the contracted parties with regard to access to the activities, documents, records, and accounts pertaining to school facilities projects shall be the following:

1. The district or the contracted parties, as the case may be, shall furnish facilities for such access, inspection, and document reproduction[.];

2. The districts shall include in all contracts a provision requiring contracted parties to permit the NJEDA, the Authority, the Office of the Attorney General, the Department, the LWD, the DCA, and their duly authorized agents to investigate, audit, examine, and inspect in such manner and at such times as these parties deem necessary[.]; **and**

[(c)] **3.** The district shall keep those records and accounts and shall require all contracted parties to keep those records and accounts for the school facilities project, as necessary, in order to evidence compliance with the Act, the PSCL, the grant agreement, and all applicable regulations and requirements. Financial records, supporting documents, and all other records of the district and the contracted parties which relate in any way to the school facilities project and/or to the grant shall be retained for 10 years following closeout, provided, however, if any litigation, claim or audit relating to the school facilities project and/or to the grant is commenced prior to closeout, such records and documents shall be retained until all litigation, claims, or audit findings involving the records have been fully resolved.

19:32-1.7 Fraud and other unlawful or corrupt practices

(a) The district shall administer moneys pursuant to this chapter, the grant agreement, and any contracts entered into in connection with the school facilities project free from bribery, graft, and corrupt practices. The district has the primary responsibility for the prevention, detection, and cooperation in the prosecution of any such conduct. The Authority shall have the right to pursue administrative or other legally available remedies in the event it suspects the occurrence of such conduct.

(b) (No change.)

19:32-1.8 Debarment

(a) The district and its consultants or contractors shall not enter into a contract for work on the school facilities project with any person or firm who has been debarred, suspended, or disqualified from State, NJEDA, Authority, or Federal government contracting.

(b) The district shall insert in all contracts with all contracted parties, and all contractors and consultants shall insert into all of their contracts with all subconsultants and subcontractors, a clause stating that the contracted party, its subconsultants or

contractors may be debarred, suspended, or disqualified from contracting and/or working on the school facilities project if the contracted party commits any of the acts listed [in] **at** N.J.A.C. 19:38A-4.6 or any applicable regulation issued by the NJEDA or the Authority.

(c) (No change.)

(d) The district shall have a continuing and affirmative obligation, so long as the grant agreement is in effect to immediately notify the State and the Authority, in writing, whenever it obtains knowledge that any contracted party, subconsultant, or subcontractor is on the Treasurer's, the NJEDA's, the Authority's, or the Federal government's List of Debarred, Suspended or Disqualified Bidders. The State and the Authority reserve the right, in such circumstances, to immediately suspend such contracted party, subconsultant, or subcontractor from contracting and/or engaging in work on the school facilities project and to take such other action as it deems appropriate pursuant to N.J.A.C. 19:38A-4 or any applicable regulation issued by the NJEDA or the Authority.

19:32-1.10 Notice of noncompliance

In the event that the Authority determines that the district is not in compliance with any provision of the Act, any condition of the grant agreement, or any condition of this chapter, it will notify the district of the noncompliance in writing. The Authority may require the district, its consultants and/or contractors to take and complete corrective action. If the corrective action is not taken within the requisite time period specified or if the action taken is inadequate as determined by the Authority, the Authority may take any of the following actions or combinations contained [in] **at** N.J.A.C. 19:32-1.11 and 1.12.

19:32-1.11 Withholding of funds

The Authority may withhold or require the district to repay, upon written notice to the district, grant disbursements, or any portion thereof, where it determines that a district has failed to comply with any provision of the Act, any condition of the grant agreement or any requirement of this chapter. The Authority may also release the grant disbursement but refer the matter to the Department for further action, which may include **an** audit and/or a request to the Treasurer to withhold funds payable by the State from the district.

19:32-1.12 Termination of the grant agreement for cause

(a) The Authority may terminate the grant agreement upon an event of default, which shall include, but not be limited to:

1. Failure by the district to observe and perform any duty, covenant, condition, or agreement on its part to be observed or performed [under] **pursuant to** the grant agreement, which failure shall continue for a period of 30 days after receipt of written notice specifying such failure and requesting that it be remedied is given to the district by the Authority, unless the Authority shall agree, in writing to an extension of such time prior to its expiration, provided, however, that if the failure stated in such notice is correctable but cannot be corrected within the applicable period, the Authority may not unreasonably withhold its consent to an extension of such time up to 120 days from delivery of the written notice referred to above or if corrective action is instituted by the district within the applicable period and diligently pursued until the event of default is corrected;

2.-6. (No change.)

7. Work on the school facilities project has ceased without good cause as agreed to by the Authority. The term "good cause" shall include, but not be limited to, circumstances beyond the control of the district or any of the contracted parties such as fire, flood, riot, or strike.

8. The district has contracted with a contractor or a subcontractor in one of the four branches specified [in] **at** N.J.S.A. 18A:18A-18 and such contractor or subcontractor has not been prequalified;

9. The district has disbursed grant monies to a firm which is debarred, suspended, or disqualified from State, NJEDA, or Authority contracting or to a firm [which] **that** has not been prequalified; or

10. (No change.)

(b)-(f) (No change.)

(g) The district shall on demand pay to the Authority the reasonable fees and expenses of attorneys and other reasonable expenses (including, without limitation, the reasonably allocated costs of in-house counsel and legal staff) incurred by the Authority in the collection of the repayment of the grant or in the enforcement of performance or observation of any other duties, covenants, obligations, or agreements, of the district upon an event of default.

19:32-1.13 Termination by mutual agreement

The Authority and the district may terminate the grant agreement when both parties agree that the continuation of the school facilities project would not produce beneficial results commensurate with the further [page=1699] expenditure of funds. The Authority and the district shall agree upon the conditions for termination, including the date on which the termination shall take effect. The closeout provisions specified [in] **at** N.J.A.C. 19:32-3.8 shall apply.

19:32-1.15 Appeals

(a) Appeals arising from decisions of the Authority may be requested, in writing, and an opportunity given for any informal hearing on the papers, in person, or [via] **by** telephone with Authority staff. Such written request for an informal hearing must be made within 30 days of the receipt of the Authority's decision.

(b) In the event of an adverse decision after an informal hearing [under] **pursuant to** (a) above, or if a district determines not to seek an informal hearing, and providing further, that the dispute or controversy is a contested case, as defined [in] **at** N.J.S.A. 52:14B-2(b), a district may request, within 45 days of the written decision resulting from the informal hearing or the determination of the Authority if an informal hearing is not sought, a formal hearing.

(c) Upon filing of the initial pleading in a contested case, the Board of the Authority may, by resolution, either retain the matter for hearing directly or transmit the matter for hearing before the Office of Administrative Law. Such hearings shall be governed by the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) (No change.)

SUBCHAPTER 2. **GRANT ELIGIBILITY REQUIREMENTS**

19:32-2.2 Eligibility

(a) All of the following conditions shall apply regarding eligibility for a grant:

1.-2. (No change.)

3. There is a determination of the final eligible costs and the State share of the school facilities project by the Department pursuant to N.J.S.A. 18A:7G-[5(h)] **5.h** and N.J.A.C. 6A:26-3.6.

4.-5. (No change.)

6. The district shall obtain approval for the local share in accordance with the provisions for the approval of capital projects pursuant to N.J.S.A. 18A:22-1 et seq., **and** N.J.S.A. 18A:24-1 and P.L. 1991, [c.139] **c. 139** (N.J.S.A. 18A:7A-46.1 et seq.), as applicable to the district pursuant to N.J.S.A. 18A:7G-11 and N.J.A.C. 6A:26-3.7.

i.-iii. (No change.)

7. (No change.)

19:32-2.3 Eligibility determination

(a) (No change.)

(b) Eligibility determinations shall be made in the order in which the requirements [of] **at** (a) above have been met.

19:32-2.4 Execution of the grant agreement

(a) The district shall execute the grant agreement pursuant to such terms and conditions as the Authority may determine in its sole discretion.

1. The grant agreement shall be executed by an authorized officer. A [certified,] true [sealed] copy of the authorizing resolution of the district shall also be submitted to the Authority at such time, together with all certifications, opinions, and documents required to be submitted at the time of execution of the grant agreement including, but not limited to, a certificate executed by the school business administrator in the form to be provided by the Authority.

2. Upon execution of the grant agreement by the district, the district shall return the grant agreement together with all applicable attachments to the Authority for execution by the Authority, whereupon the Authority shall transmit a copy of the executed grant agreement to the district[, as well as a sign which is to be erected by the district at the school facilities project site to the extent permitted by zoning laws indicating that financing was made available to the district through the Authority].

3. (No change.)

(b) (No change.)

19:32-2.6 Effect of grant awards

(a) (No change.)

(b) The award of the grant by the Authority shall not be used as a defense by the district to any action brought against the district by any governmental agency on account of the district's failure to comply with the Act or in order to obtain any requisite permit, license, or operating certificate.

SUBCHAPTER 3. DISBURSEMENT OF THE GRANT

19:32-3.1 Amount of the grant

(a) The grant shall be in the amount of the State share and may be reduced upon final completion as set forth [in the following paragraph] **at (b) below**.

(b) Prior to final completion and the final disbursement, the district shall certify to the Authority the total costs of the school facilities project. If such amount is less than the final eligible costs, the Authority shall adjust the amount of the grant accordingly pursuant to the following:

1. (No change.)

2. The amount determined [in] **at** (b)1 above shall be multiplied by the district aid percentage or 40 percent, whichever is greater; and

3. The number determined [in] **at** (b)2 above shall be subtracted from the original amount of the grant. The remaining number represents the final amount of the grant.

19:32-3.4 Disbursements

(a) (No change.)

(b) Except as provided [in] **at** (c) or (d) below, the disbursement schedule shall be as follows:

1. The first disbursement of the grant in the amount of 10 percent of the grant shall be made upon:

i.-iv. (No change.)

v. Submission of a request for disbursement as set forth [in] **at** (a) above.

2. (No change.)

3. The Authority shall not make scheduled disbursements for construction percentages completed as identified [in (b)3] **at (b)1** above, unless and until:

i.-ii. (No change.)

iii. Submission of a request for the applicable disbursement as set forth [in] **at** (a) above.

4. (No change.)

(c) In the case of a school facilities project with final eligible costs less than or equal to \$ 250,000, there shall be only three disbursements as follows:

1. The first disbursement of the grant in the amount of 50 percent of the grant shall be made after execution of the grant agreement upon a showing to the satisfaction of the Authority of 50 percent construction completion, after submission of acceptable documentation of required insurance coverages, and after submission of a request for disbursement as set forth [in] **at** (a) above.

2. The second disbursement of the grant in the amount of 45 percent of the grant shall be made upon a showing to the satisfaction of the Authority of substantial completion, acceptable documentation of required insurance coverage has been submitted to the Authority and submission of a request for disbursement as set forth [in] **at** (a) above.

3. (No change.)

(d) (No change.)

19:32-3.6 Checklists

(a) The district shall be required to report to the Authority on the progress of the school facilities project by completing various checklists at various time points during the design and construction of the school facilities project as outlined in this section unless a district is not required to submit one or more checklists prior to disbursement, pursuant to N.J.A.C. 19:32-3.5. Such checklists may, at the option of the [district] **Authority**, be filed electronically.

1.-3. (No change.)

19:32-3.7 Closeout procedures

(a) Closeout shall occur when all applicable administrative actions and all required work have been completed by the district. This process shall include the steps enumerated below:

1. (No change.)

[page=1700] 2. Any proceeds of school bonds issued by the district for the purpose of funding the local share of the school facilities project which remain unspent upon completion of the school facilities project shall be used by the district to reduce the outstanding principal amount of the school bonds either through redeeming bonds at the earliest call date or applying such proceeds to payment of principal as principal becomes due, as further set forth [in] **at** N.J.A.C. 6A:26-4.6. In no event shall such proceeds be utilized to pay the interest expense on the school bonds issued for any school facilities project.

3.-5. (No change.)

SUBCHAPTER 4. UNDERTAKING THE SCHOOL FACILITIES PROJECT

19:32-4.1 General provisions

(a) The district shall design and construct the school facilities project pursuant to the plans and specifications and as approved by the Department pursuant to N.J.S.A. 18A:7G-5. Any changes in the school facilities project which may impact educational adequacy (the number, size, configuration, location, or use of educational spaces) shall be reviewed and approved by the Department as required [under] at N.J.A.C. 6A:23-7.1 and 6A:26-4.9 prior to such changes being made. Notwithstanding anything to the contrary, any changes whether reviewed by the Department or not, shall not be eligible for funding under the grant agreement.

(b)-(c) (No change.)

19:32-4.2 Contract award and compliance

(a) The district shall be responsible for the letting of contracts for the design, acquisition, construction, and installation of the school facilities project, supervision of design and construction, acceptance of the completed school facilities project, or parts thereof, and all other matters incidental to performance of the duties and powers expressly granted herein to be undertaken in connection with the acquisition, construction, and completion of the school facilities project. The district shall continually monitor its performance to assure that time schedules are being met and that the completion of the school facilities project will occur in a timely, efficient, and effective manner. In the event of default of any contracted party under any contract, or in the event of a breach of warranty with respect to any contract, the district shall reasonably exhaust the remedies against the defaulting contracted party and against each such surety for the performance of such contracts. The district shall diligently prosecute or defend any action or proceeding, or take any other action involving the contracted party, that the district deems reasonably necessary.

(b)-(c) (No change.)

(d) All contractors engaged by the district and subcontractors named in the four branches specified [in] at N.J.S.A. 18A:18A-18 who perform any work on the school facilities project shall be prequalified pursuant to the Authority prequalification process. Any contractor whose contract amount is less than the bid threshold pursuant to N.J.S.A. 18A:18A-3 shall not be subject to the prequalification process for bidders on school facilities projects pursuant to Section 59 of the Educational Facilities Construction Financing Act, P.L. 2000, [c.72] c. 72 (N.J.S.A. 18A:7G-33).

(e) (No change.)

(f) All contracts shall contain provisions that the contracted party shall comply with the anti-discrimination provisions [of] at N.J.S.A. 10:2-1 et seq., **and** the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., **and** N.J.A.C. 17:27 and [N.J.A.C.] 6A:7-1.8. The district and its contracted parties shall, in addition, agree by contract and guarantee to afford equal opportunity in performance of the contracts in accordance with an affirmative action program approved by the State Treasurer. During the design and construction of the school facilities project, the district and the contracted parties shall abide by the following provisions and shall provide in any contracts provisions as follows:

1. The district and its contracted parties shall not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, or sex. The district and its contracted parties shall take affirmative action to ensure that such applicants are recruited and employed, that employees are treated during employment without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, or sex. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The district and its contracted parties agree to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

2. The district and its contracted parties shall, in all solicitations or advertisements for employees placed by or on behalf of the district and its contracted parties state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, or sex.

3. (No change.)

(g)-(p) (No change.)

NEW JERSEY REGISTER

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End of Document

Resolution—6a.

Adoption of N.J.A.C 19:32, Section 15 Grant Procedures

Resolution

WHEREAS, N.J.A.C. 19:32 (the Rules), adopted in January 2008 and readopted with significant amendments in 2015, govern the New Jersey Schools Development Authority's (SDA) administration of a grant program for the state share of the final eligible costs of certain school facilities projects undertaken by non-SDA districts, pursuant to Section 15 of the Educational Facilities Construction and Financing Act (EFCFA or the Act), P.L. 2000 c. 72 (N.J.S.A. 18A:7G-1 et seq.); and

WHEREAS, Chapter 32 was scheduled to expire on July 1, 2022; and

WHEREAS, upon review, SDA staff determined that, with the addition of certain minor amendments as fully described in the Board materials, the Rules in their then-current adopted form remain adequate, reasonable, and necessary for the purposes for which they were originally promulgated; and

WHEREAS, on June 8, 2022 the Members of the SDA Board approved for proposal and publication a Notice of Proposal for Re-adoption of the Rules with amendments; and

WHEREAS, subsequently, due to the intervening expiration of the underlying rules, the Notice was converted to a Notice of Adoption of New Rules and published in the New Jersey Register on September 6, 2022; and

WHEREAS, the Rules' background, prior regulatory history and a summary of the proposed amendments are set forth in detail in the memorandum presented to the Board on this date and incorporated herein; and

WHEREAS, SDA management recommends that the Members of the Authority approve the proposed re-adoption of the Authority's new Rules for Section 15 Grant Procedures Rules with minor amendments as proposed in the New Jersey Register and authorize the issuance of the Notice of Adoption as presented and the filing of the Notice with the Office of Administrative Law.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the adoption of the new Rules for Section 15 Grant Procedures in the form previously published in the New Jersey Register, and further authorize the issuance of the Notice of Adoption presented to the Board, and the filing of the Notice with the Office of Administrative Law.

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

Attached: Memorandum, Adoption of N.J.A.C 19:32, Section 15 Grant Procedures, dated March 1, 2023
Date: March 1, 2023

**Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final
Project Charter - Union City Public Schools District - Emerson Middle School - Roof
Replacement & Stucco Repairs - Emergent Project**

MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Managing Director, Procurement

Joseph Lucarelli
Program Director, Construction Operations

RE: District: Union City Public Schools
School: Emerson Middle School
Package No.: EP-0121-C01
Award: \$2,046,868.00
CM: NJSDA Self-Managed

DATE: March 1, 2023

SUBJECT: Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final Project Charter
Union City Public Schools District - Emerson Middle School - Roof Replacement and Stucco Repairs - Emergent Project

INTRODUCTION

We are writing to recommend approval by the Members of the Authority for three related actions to address emergent conditions at the Emerson Middle School in the Union City Public Schools District:

1. The release of funds from the NJSDA Program Reserve maintained for emergent projects;
2. The award of a task order to Delric Construction Company, Inc. in the Not-To-Exceed (N.T.E.) amount of \$2,046,868.00; and
3. The Final Charter (copy attached) representing the project budget inclusive of the N.T.E. dollar value for the award of the task order, appropriate contingency, allowances, NJSDA staff costs and other costs.

As discussed below, the recommended actions represent N.T.E values to support development and implementation of the most appropriate, efficient and timely action to address the emergent conditions.

Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended on March 7, 2012, Board approval is required for the release of monies from the Program Reserve for emergent projects or emergency situations exceeding \$500,000.00. The Operating Authority also requires Board approval of the award of construction contracts greater than \$500,000.00 as well as Final Project Charters. Both the construction award and the release of funds from the reserve for the proposed Emerson Middle School project (Project) exceed \$500,000.00.

At the July 2008 Board meeting, the Members approved the Authority’s 2008 New Funding Allocation and Capital Plan which allocated \$97 million to fund emergent projects in the 31 SDA Districts (Program Reserve for Emergent Projects).

Thereafter, at the March 2, 2011 Board meeting, the Members approved the 2011 Capital Program which allocated an additional \$100 million to fund emergent projects. Most recently, at the July 1, 2020 Board meeting, the Members approved a reallocation of funds from the Unforeseen Events Reserve to the Program Reserve for Emergent Projects, providing an additional \$55.6 million to support the advancement of emergent projects in the SDA Districts.

Funding for the Emerson Middle School - Roof Replacement and Stucco Repairs project is available within the existing Program Reserve for Emergent Projects.

BACKGROUND

The Emerson Middle School, built in 1915, is an approximately 104,000 square foot facility in the Union City Public Schools District educating approximately 1,050 students in grades 6 through 8.

Upon confirmation of the need for emergent roof replacement and stucco repairs at the school, the NJSDA engaged PS&S Architects, in September 2021, for the performance of Project Scope Development Services to address these conditions.

At the conclusion of those Project Scope Development services, the NJSDA determined to advance the Project through the engagement of a General Contractor utilizing the NJSDA’s General Construction Services Task Order Contract, and to require the General Contractor to engage the services of a Design Consultant to complete needed Design Services. NJSDA staff will provide Construction Management oversight for the Project.

PROCUREMENT PROCESS

The construction task order assignment recommended for this project results from utilization of the NJSDA’s General Construction Services Task Order (GC Task Order) Contract.

The GC Task Order Contract was established so that the NJSDA has available a pool of contractors to perform certain work. The NJSDA Board initially approved the use of the GC Task Order Contract on September 4, 2019, and amended its approval on February 16, 2022 to increase the total per region award amount that each individual firm can receive. Specifically, no individual task order can exceed \$3 million and no individual firm can receive more than \$7.5 million of work per region during the duration of the Contract. Bidders were required to select a region(s) (North, South, or both) for job order assignments and accept the defined cost multiplier of 1.15, as determined by the NJSDA, for use in establishing compensation for those task order assignments to be performed on a time and materials basis. GC Task Order Contract work may also be assigned on a lump sum basis after competitive bidding among Task Order Contractors.

Following a determination to advance the Emerson Middle School Project utilizing a rotational task order assignment, on November 30, 2022, Procurement staff contacted Delric Construction Company, Inc. (Delric), the next firm on the contractor rotational list. On December 1, 2022, Delric confirmed acceptance of the Task Order assignment.

The assignment will be awarded on a Time and Material (T&M) basis for a N.T.E. value representing the most extensive scope of work pursuant to the GC Task Order Contract.

SCOPE OF WORK

NJSDA staff and Delric held a site visit on December 8, 2022 at Emerson Middle School to review and assess the condition of the roof and stucco for advancement of the emergent repair work. NJSDA staff instructed Delric to engage a design consultant and any sub-consultants necessary for developing a proposal, cost estimate, and schedule to address these emergent conditions.

The Project scope includes removal and replacement of approximately 22,200 square feet of existing low-slope roofing and approximately 1,200 square feet of high-slope roofing, selective stucco replacement work, and new aluminum metal coping on the sloped stone cornice over the Eighteenth Street façade's main entrance. In addition, as part of the Project scope, any necessary code or regulatory improvements which may be triggered by implementation of the scope of work will be addressed.

Delric's initial work will focus on Project design based upon the above scope of work. The cost for this design work will be a total N.T.E. amount of \$334,640.00, which includes \$299,640.00 for design and \$35,000.00 in allowances for investigations of existing conditions.

Upon completion of design work, the NJSDA will review and validate the final projected cost and schedule for the scope of work. This review will result in a determination to either advance the construction work on a T&M basis for the N.T.E. amount or to establish a fixed cost for the scope of work defined in the construction documents.

PROJECT BUDGET

The value of the Delric's award will be \$2,046,868.00, which will include the design scope of work to address the emergent project. The total funding, including design costs, construction costs, contingencies, allowances, and NJSDA staff costs is estimated at a value in the amount of \$2,842,848.00 as reflected in the attached project charter. Funding for the total project costs is available within the NJSDA Program Reserve maintained for emergent projects.

Members of the Authority
Release of Funds, Award of Task Order, and Approval of Final Project Charter
Package No. EP-0121-C01
Union City Public Schools District – Emerson Middle School – Emergent Project
March 1, 2023
Page 4 of 4

RECOMMENDATION

The Members of the Authority are requested to approve:

1. The release of \$2,842,848.00 from the Program Reserve maintained for emergent projects;
2. The award of a task order to Delric Construction Company, Inc. in the N.T.E. amount of \$2,046,868.00;
and
3. The Final Project Charter (copy attached) representing all expended and projected funds necessary for completion of the emergent project at the Emerson Middle School in the Union City Public Schools District.

/s/ Sean Murphy

Sean Murphy, Managing Director, Procurement

/s/ Joseph Lucarelli

Joseph Lucarelli, Program Director, Construction Operations

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

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

New Jersey Schools Development Authority Emergent Project Charter - Summary

Charter Date

03/01/23

Region: Northern
District: Union City
School Name: Emerson Middle School
Project Type: Emergent
DOE # / Project #: 5240-105-21-0BBS
Project Location: 318 18th Street Union City, NJ

Supersedes

Charter Dated

N/A

Project Budget: \$ 2,842,848

Anticipated Construction NTP Date August-23

Anticipated Final Completion Date March-24

Project Initiation Date: September-21

Funding Source

2011 Emergent Reserve

Charter Version and Date	Project Summary
<input checked="" type="checkbox"/> Final 03/01/23	The Project scope includes removal and replacement of approximately 22,200 square feet of existing low-slope roofing and approximately 1,200 square feet of high-slope roofing, selective stucco replacement work, new aluminum metal coping on the sloped stone cornice over the Eighteenth Street façade's main entrance and any necessary code or regulatory improvements which may be triggered by implementation of the scope of work.
Revision # and Date	
<input type="checkbox"/> One	
<input type="checkbox"/> Two	
<input type="checkbox"/> Three	Purpose for Advancement of Emergent Charter
	To establish the final budget for the project inclusive of dollar values for the award for construction, appropriate contingency, allowances, NJSDA staff costs, and estimated other costs.

Recommendation

/s/ Joseph Lucarelli Mar 1, 2023
 Program Director - Project Date

/s/ Gregory Voronov Mar 1, 2023
 Managing Director - Program Operations Date

_____ Date

VP - Program Ops and Strategic Planning Date

Approval

(If Project Budget is greater than \$500,000 Attach Board Memo and Minutes indicating authorization of funding)

/s/ Manuel Da Silva Mar 1, 2023
 Chief Executive Officer Date

**New Jersey Schools Development Authority
Emergent Project Charter
Project Budget**

District / Project Name:	Union City/Emerson Middle School
DOE # / Project #:	5240-105-21-0BBS
Charter Date:	03/01/23

Special Considerations:

The project budget is based upon the award value of the Contract for General Construction Services. Other Costs for projects range from 2% to 5% of Building Costs, with such costs for Emergent Projects budgeted at 5%. These costs are inclusive of projected DCA fees for permits and anticipated inspections. 3 allowances totaling \$35,000 have been established - 1. Hazardous Material Sampling and Testiong: \$15,000 2. Additional Investigative and Design Activities: \$15,000 3. Photocopying, Printinh Shipping: \$5,000

Project Budget:

GC Task Order with Design Costs	
Design & Construction Costs	\$2,011,868
Allowances	\$35,000
Construction Contingency	\$310,000
Total Construction Costs	\$2,356,868
Other Costs:	
Pre-Design Services	\$0
Project Management (SDA Staff)	\$350,000
Other Costs	\$100,000
Total Other Costs	\$450,000
PreDevelopment & Environmental Costs:	
PreDevelopment	\$35,980
Environmental/Remediation	\$0
Total PreDevelopment & Environmental Costs	\$35,980
Total Project Budget	\$2,842,848
2011 Emergent Reserve Impact	
Prior Funding Approved	\$0
Current Funding Requested	\$2,842,848

Resolution—6b.

Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final Project Charter - Union City Public Schools District – Emerson Middle School - Roof Replacement & Stucco Repairs - Emergent Project- EP-0121-C01

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority authorize and approve the release of funds from the Program Reserve for emergent projects or emergency situations exceeding \$500,000; and

WHEREAS, the Operating Authority further requires Board approval of the award of construction contracts greater than \$500,000 and final project charters; and

WHEREAS, in 2008 and 2011, the SDA Board approved a total of \$197 million to fund emergent project work in SDA Districts and, in July 2020, provided an additional \$55.6 million to support the advancement of emergent projects by authorizing the reallocation of funds from the SDA's Unforeseen Events Reserve to the Emergent Projects Reserve; and

WHEREAS, a General Contractors Task Order Contract (GCTO Contract) was approved by the Board in 2019 and amended in 2022, providing the Authority with an available a pool of contractors to perform certain work upon terms set forth in the memorandum presented to the Board on this date and incorporated herein; and

WHEREAS, built in 1915, the Emerson Middle School (School) is an approximately 104,000 square foot facility in the Union City Public Schools District educating approximately 1,050 students in grades 6 through 8; and

WHEREAS, upon confirmation of the need for emergent roof replacement and stucco repairs (the Project) at the School, the SDA engaged PS&S Architects, Inc., in September 2021 for the performance of Project scope development services to address these conditions; and

WHEREAS, upon completion of these Project scope development services, the SDA determined to advance the Project through utilization of the GCTO Contract, and to require the general contractor to engage the services of a design consultant to complete needed design services; and

WHEREAS, on November 30, 2022, Procurement staff contacted Delric Construction Company, Inc. (Delric), the next firm on the GCTO contractor rotational list and, on December 1, 2022, Delric confirmed acceptance of the Task Order assignment; and

WHEREAS, SDA staff will provide construction management oversight for the Project; and

WHEREAS, SDA staff and Delric held a site visit on December 8, 2022 at the School to review and assess the condition of the roof and stucco for advancement of the emergent repair work; and

WHEREAS, Delric's initial work will focus on Project design based on the Project scope of work for a total not-to-exceed cost of \$334,640; and

WHEREAS, upon completion of design work, Authority staff will review and validate the final projected cost and schedule and determine whether to advance the work on a time and materials basis for the not-to-exceed amount or on a fixed cost basis; and

WHEREAS, the value of Delric's contract award will be \$2,046,868.00, with total funding for the Project estimated at \$2,842,848 as reflected in the Project's charter; and

WHEREAS, funding for the total project costs is available within the SDA Program Reserve maintained for emergent projects; and

WHEREAS, as the construction award and the funds requiring release from the Program Reserve for the Project exceed \$500,000, both require Board approval; and

WHEREAS, management recommends that the Members of the Authority approve the Project's final charter as proposed, the contract award to Delric in the not-to-exceed amount of \$2,046,868, and the release of \$2,842,848 from the Program Reserve maintained for emergent projects.

NOW, THEREFORE, BE IT RESOLVED, that to facilitate completion of the emergent project at the Emerson Middle School in the Union City Public Schools District, the Members of the Authority hereby authorize and approve the release of \$2,842,848.00 from the Program Reserve maintained for emergent projects; the award of a task order to Delric Construction Company, Inc. in the not-to-exceed amount of \$2,046,868.00; and the Project's final charter as presented to the Board on this date and representing all expended and projected funds necessary for project completion.

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, Release of Funds from Program Reserve, Award of Task order Contract and Approval Final Project Charter, Union City Public Schools District, Emerson Middle School, EP-0121-C01, Emergent Project, dated, March 1, 2023

Dated: March 1, 2023

**Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final
Project Charter - Union City Public Schools District - Union Hill Middle School - Roof
Replacement, Stucco and Masonry Repairs - Emergent Project**

MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Managing Director, Procurement

Joseph Lucarelli
Program Director, Construction Operations

RE: District: Union City Public Schools
School: Union Hill Middle School
Package No.: EP-0127-C01
Award: \$2,580,894.00
CM: NJSDA Self-Managed

DATE: March 1, 2023

SUBJECT: Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final Project Charter
Union City Public Schools District - Union Hill Middle School - Roof Replacement, Stucco and Masonry Repairs - Emergent Project

INTRODUCTION

We are writing to recommend approval by the Members of the Authority for three related actions to address emergent conditions at the Union Hill Middle School in the Union City Public Schools District:

1. The release of funds from the NJSDA Program Reserve maintained for emergent projects;
2. The award of a task order to Integrated Construction Enterprises (ICE) in the Not-To-Exceed (N.T.E.) amount of \$2,580,894.00; and
3. The Final Charter (copy attached) representing the project budget inclusive of the N.T.E. dollar value for the award of the task order, appropriate contingency, allowances, NJSDA staff costs and other costs.

As discussed below, the recommended actions represent N.T.E values to support development and implementation of the most appropriate, efficient and timely action to address the emergent conditions.

Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended on March 7, 2012, Board approval is required for the release of monies from the Program Reserve for emergent projects or emergency situations exceeding \$500,000.00. Further, the Operating Authority requires Board approval of the award of construction contracts greater than \$500,000.00 as well as approval of a Final Project Charter. Both the construction award and the release of funds from the reserve exceed \$500,000.00.

Members of the Authority
Release of Funds, Award of Task Order, and Approval of Final Project Charter
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Union City Public Schools District – Union Hill Middle School – Emergent Project
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At the July 2008 Board meeting, the Members approved the Authority's 2008 New Funding Allocation and Capital Plan which allocated \$97 million to fund emergent projects in the 31 SDA Districts (Program Reserve for Emergent Projects).

Thereafter, at the March 2, 2011 Board meeting, the Members approved the 2011 Capital Program which allocated an additional \$100 million to fund emergent projects. Most recently, at the July 1, 2020 Board meeting, the Members approved a reallocation of funds from the Unforeseen Events Reserve to the Program Reserve for Emergent Projects, providing an additional \$55.6 million to support the advancement of emergent projects in the SDA Districts.

Funding for the Union Hill Middle School - Roof Replacement, Stucco and Masonry Repairs project is available within the existing Program Reserve for Emergent Projects.

BACKGROUND

The Union Hill Middle School, built in 1913, is an approximately 102,000 square foot facility in the Union City Public Schools District educating approximately 895 students in grades 7 and 8.

Upon confirmation of the need for emergent roof replacement and stucco and masonry repairs at the school (the Project), the NJSDA engaged Aptim Environmental & Infrastructure, LLC, in November 2021, for the performance of Project Scope Development Services to address these conditions.

At the conclusion of those Project Scope Development services, the NJSDA determined to advance the Project through the engagement of a General Contractor utilizing the NJSDA's General Construction Services Task Order Contract, and to require the General Contractor to engage the services of a Design Consultant to complete needed Design Services. NJSDA staff will provide Construction Management oversight for the Project.

PROCUREMENT PROCESS

The construction task order assignment recommended for this project results from utilization of the NJSDA's General Construction Services Task Order (GC Task Order) Contract.

The GC Task Order Contract was established so that the NJSDA has available a pool of contractors to perform certain work. The NJSDA Board initially approved the use of the GC Task Order Contract on September 4, 2019, and amended its approval on February 16, 2022 to increase the total per region award amount that each individual firm can receive. Specifically, no individual task order can exceed \$3 million and no individual firm can receive more than \$7.5 million of work per region during the duration of the Contract. Bidders were required to select a region(s) (North, South, or both) for job order assignments and accept the defined cost multiplier of 1.15, as determined by the NJSDA, for use in establishing compensation for those task order assignments to be performed on a time and materials basis. GC Task Order Contract work may also be assigned on a lump sum basis after competitive bidding among Task Order Contractors.

Members of the Authority
Release of Funds, Award of Task Order, and Approval of Final Project Charter
Package No. EP-0127-C01
Union City Public Schools District – Union Hill Middle School – Emergent Project
March 1, 2023
Page 3 of 4

Following a determination to advance the Union Hill Middle School Project utilizing a rotational task order assignment, on November 28, 2022, Procurement staff contacted Integrated Construction Enterprises (ICE) the next firm on the contractor rotational list. On November 30, 2022, ICE confirmed acceptance of the Task Order assignment.

The assignment will be awarded on a Time and Material (T&M) basis for a N.T.E. value representing the most extensive scope of work pursuant to the GC Task Order Contract.

SCOPE OF WORK

NJSDA staff held a site visit with ICE on December 8, 2022 at Union Hill Middle School to review and assess the condition of the roof, stucco and masonry for advancement of the emergent repair work. NJSDA staff instructed ICE to engage a design consultant and any sub-consultants necessary for developing a proposal, cost estimate, and schedule to address these emergent conditions.

The Project scope includes removal and replacement of approximately 31,650 square feet of existing low-slope roofing, selective stucco removal and replacement, selective replacement of approximately 50 square feet of damaged, cracked or otherwise unusable brick with new replacement bricks, and address any necessary code or regulatory improvements which may be triggered by implementation of the scope of work.

ICE's initial work will focus on Project design based upon the above scope of work. The total cost for this design work will be for a total N.T.E. cost of \$414,176.00, which includes \$379,176.00 for design and \$35,000.00 in allowances for investigations of existing conditions.

Upon completion of design work, the NJSDA will review and validate the final projected cost and schedule for the scope of work. This review will result in a determination to either advance the construction work on a T&M basis for the N.T.E. amount or to establish a fixed cost for the scope of work defined in the construction documents.

PROJECT BUDGET

The value of the ICE's award will be \$2,580,894.00, which will include the design scope of work to address the emergent project. The total funding, including design costs, construction costs, contingencies, allowances, and NJSDA staff costs is estimated at a value in the amount of \$3,507,102.00 as reflected in the attached project charter. Funding for the total project costs is available within the NJSDA Program Reserve maintained for emergent projects.

Members of the Authority
Release of Funds, Award of Task Order, and Approval of Final Project Charter
Package No. EP-0127-C01
Union City Public Schools District – Union Hill Middle School – Emergent Project
March 1, 2023
Page 4 of 4

RECOMMENDATION

The Members of the Authority are requested to approve:

1. The release of \$3,507,102.00 from the Program Reserve maintained for emergent projects;
2. The award of a task order to Integrated Construction Enterprises in the N.T.E. amount of \$2,580,894.00;
and
3. The Final Project Charter (copy attached) representing all expended and projected funds necessary for completion of the emergent project at the Union Hill Middle School in the Union City Public Schools District.

/s/ Sean Murphy

Sean Murphy, Managing Director, Procurement

/s/ Joseph Lucarelli

Joseph Lucarelli, Program Director, Construction Operations

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

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

New Jersey Schools Development Authority Emergent Project Charter - Summary

Charter Date

03/01/23

Region: Northern
District: Union City
School Name: Union Hill Middle School
Project Type: Emergent
DOE # / Project #: 5240-150-21-0BBT
Project Location: 3800 Hudson Ave. Union City, NJ

Supersedes

Charter Dated

N/A

Project Budget: \$ 3,507,102
Anticipated Construction NTP Date August-23
Anticipated Final Completion Date March-24
Project Initiation Date: November-21

Funding Source

2011 Emergent Reserve

Charter Version and Date	Project Summary
<input checked="" type="checkbox"/> Final 03/01/23	The Project scope includes removal and replacement of approximately 31,650 square feet of existing low-slope roofing, selective stucco removal and replacement, selective replacement of approximately 50 square feet of damaged, cracked or otherwise unusable brick with new replacement bricks that match and any necessary code or regulatory improvements which may be triggered by implementation of the scope of work.
Revision # and Date	
<input type="checkbox"/> One	
<input type="checkbox"/> Two	
<input type="checkbox"/> Three	Purpose for Advancement of Emergent Charter
	To establish the final budget for the project inclusive of dollar values for the award for construction, appropriate contingency, allowances, NJSDA staff costs, and estimated other costs.

Recommendation

/s/ Joseph Lucarelli	Mar 1, 2023	/s/ Gregory Voronov	Mar 1, 2023
Program Director - Project	Date	Managing Director - Program Operations	Date
Joseph Lucarelli		Gregory Voronov	
	Date	VP - Program Ops and Strategic Planning	Date
		Vacant	

Approval

(If Project Budget is greater than \$500,000 Attach Board Memo and Minutes indicating authorization of funding)

/s/ Manuel Da Silva	Mar 1, 2023		Date
Chief Executive Officer	Date		Date
Manuel Da Silva			

**New Jersey Schools Development Authority
Emergent Project Charter
Project Budget**

District / Project Name:	Union City/Union Hill Middle School
DOE # / Project #:	5240-150-21-0BBT
Charter Date:	03/01/23

Special Considerations:

The project budget is based upon the award value of the Contract for General Construction Services. Other Costs for projects range from 2% to 5% of Building Costs, with such costs for Emergent Projects budgeted at 5%. These costs are inclusive of projected DCA fees for permits and anticipated inspections. 3 allowances totaling \$35,000 have been established - 1. Hazardous Material Sampling and Testing: \$15,000 2. Additional Investigative and Design Activities: \$15,000 3. Photocopying, Printing Shipping: \$5,000

Project Budget:

GC Task Order with Design Costs	
Design & Construction Costs	\$2,545,894
Allowances	\$35,000
Construction Contingency	\$390,000
Total Construction Costs	\$2,970,894
Other Costs:	
Pre-Design Services	\$0
Project Management (SDA Staff)	\$365,000
Other Costs	\$130,000
Total Other Costs	\$495,000
PreDevelopment & Environmental Costs:	
PreDevelopment	\$41,208
Environmental/Remediation	\$0
Total PreDevelopment & Environmental Costs	\$41,208
Total Project Budget	\$3,507,102
2011 Emergent Reserve Impact	
Prior Funding Approved	\$0
Current Funding Requested	\$3,507,102

Resolution—6c.

Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final Project Charter - Union City Public Schools District – Union Hill Middle School - Roof Replacement, Stucco and Masonry Repairs - EP-0127-C01

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority authorize and approve the release of funds from the Program Reserve for emergent projects or emergency situations exceeding \$500,000; and

WHEREAS, the Operating Authority further requires Board approval of the award of construction contracts greater than \$500,000 and final project charters; and

WHEREAS, in 2008 and 2011, the SDA Board approved a total of \$197 million to fund emergent project work in SDA Districts and, in July 2020, provided an additional \$55.6 million to support the advancement of emergent projects by authorizing the reallocation of funds from the SDA’s Unforeseen Events Reserve to the Emergent Projects Reserve; and

WHEREAS, a General Contractors Task Order Contract (GCTO Contract) was approved by the Board in 2019 and amended in 2022, providing the Authority with an available a pool of contractors to perform certain work upon terms set forth in the memorandum presented to the Board on this date and incorporated herein; and

WHEREAS, built in 1913, the Union Hill Middle School (School) is an approximately 102,000 square foot facility in the Union City Public Schools District educating approximately 895 students in grades 7 and 8; and

WHEREAS, upon confirmation of the need for emergent roof replacement and stucco and masonry repairs (the Project) at the School, the SDA engaged Aptim Environmental & Infrastructure, LLC in November 2021 for the performance of Project scope development services to address these conditions; and

WHEREAS, upon completion of these Project scope development services, the SDA determined to advance the Project through utilization of the GCTO Contract, and to require the general contractor to engage the services of a design consultant to complete needed design services; and

WHEREAS, on November 28, 2022, procurement staff contacted Integrated Construction Enterprises (ICE), the next firm on the GCTO contractor rotational list and, on November 30, 2022, ICE confirmed acceptance of the Task Order assignment; and

WHEREAS, the assignment will be awarded on a time and materials (T&M) basis for a not-to-exceed value representing the most extensive scope of work pursuant to the GC Task Order Contract and SDA staff will provide construction management oversight for the Project; and

WHEREAS, SDA staff and ICE held a site visit on December 8, 2022 at the School to review and assess the condition of the roof, stucco and masonry for advancement of the emergent repair work; and

WHEREAS, ICE's initial work will focus on Project design based on the Project scope of work for a total not-to-exceed cost of \$414,176,00; and

WHEREAS, upon completion of design work, Authority staff will review and validate the final projected cost and schedule and determine whether to advance the work on a time and materials basis for the not-to-exceed amount or on a fixed cost basis; and

WHEREAS, the value of the ICE contract award will be \$2,580,894, with total funding for the Project estimated at \$3,507,102 as reflected in the Project's charter; and

WHEREAS, funding for the total project costs is available within the SDA Program Reserve maintained for emergent projects; and

WHEREAS, as the construction award and the funds requiring release from the Program Reserve for the Project exceed \$500,000, both require Board approval; and

WHEREAS, management recommends that the Members of the Authority approve the Project's final charter as proposed, the contract award to ICE in the not-to-exceed amount of \$2,580,894, and the release of \$3,507,102 from the Program Reserve maintained for emergent projects.

NOW, THEREFORE, BE IT RESOLVED, that to facilitate completion of the emergent project at the Union Hill Middle School in the Union City Public Schools District, the Members of the Authority hereby authorize and approve the release of \$3,507,102 from the Program Reserve maintained for emergent projects; the award of a task order to Integrated Construction Enterprises in the not-to-exceed amount of \$2,580,894; and the Project's final charter as presented to the Board on this date, representing all expended and projected funds necessary for project completion.

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, Release of Funds from Program Reserve, Award of Task order Contract and Approval Final Project Charter, Union City Public Schools District, Union Hill Middle School, EP-0127-C01, Emergent Project, dated, March 1, 2023

Dated: March 1, 2023

**Release of Funds from Program Reserve, Award of Task Order, and
Approval of the Final Project Charter - Newark Public Schools District -
University High School - Roof Replacement - Emergent Project**



MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Managing Director, Procurement

Joseph Lucarelli
Program Director, Construction Operations

RE: District: Newark Public Schools
School: University High School
Package No.: EP-0126-C01
Award: \$1,172,180.00
CM: NJSDA Self-Managed

DATE: March 1, 2023

SUBJECT: Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final Project Charter
Newark Public Schools District – University High School - Roof Replacement - Emergent Project

INTRODUCTION

We are writing to recommend approval by the Members of the Authority for three related actions to address emergent conditions at the University High School in the Newark Public Schools District:

1. The release of funds from the NJSDA Program Reserve maintained for emergent projects;
2. The award of a task order to Hall Building Corporation in the Not-To-Exceed (N.T.E.) amount of \$1,172,180.00; and
3. The Final Charter (copy attached) representing the project budget inclusive of the N.T.E. dollar value for the award of the task order, appropriate contingency, allowances, NJSDA staff costs and other costs.

As discussed below, the recommended actions represent N.T.E values to support development and implementation of the most appropriate, efficient and timely action to address the emergent conditions.

Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended on March 7, 2012, Board approval is required for the release of monies from the Program Reserve for emergent projects or emergency situations exceeding \$500,000.00. Further, the Operating Authority requires Board approval of the award of construction contracts greater than \$500,000.00 as well as approval of a Final Project Charter. Both the construction award and the release of funds from the reserve exceed \$500,000.00.

At the July 2008 Board meeting, the Members approved the Authority's 2008 New Funding Allocation and Capital Plan which allocated \$97 million to fund emergent projects in the 31 SDA Districts (Program Reserve for Emergent Projects).

Thereafter, at the March 2, 2011 Board meeting, the Members approved the 2011 Capital Program which allocated an additional \$100 million to fund emergent projects. Most recently, at the July 1, 2020 Board meeting, the Members approved a reallocation of funds from the Unforeseen Events Reserve to the Program Reserve for Emergent Projects, providing an additional \$55.6 million to support the advancement of emergent projects in the SDA Districts.

Funding for the University High School - Roof Replacement project will be provided in part from the remaining proceeds from the sale of the former Newark Central High School (Sale Proceeds Fund), which funds are being held in a separate bank account maintained by the NJSDA. In March 2022, Newark Public Schools agreed that NJSDA may use the full remaining balance of the Sale Proceeds Fund, inclusive of earned interest, to fund the emergent roof replacement (the Project) at the school with the Sale Proceeds Fund being the initial funding source for project design and construction costs until the Sale Proceeds Fund is fully exhausted. The current remaining balance in the Sale Proceeds Fund is approximately \$486,000. The balance of funds required to complete the Project are available within the existing Program Reserve for Emergent Projects.

BACKGROUND

The University High School, built in 1957, is an approximately 149,000 square foot facility in the Newark Public Schools District educating approximately 464 students in grades 7 through 12.

Upon confirmation of the need for an emergent roof replacement at the school, the NJSDA engaged Dewberry Engineers in October 2021, for the performance of Project Scope Development Services for the roof replacement and stucco repair work

At the conclusion of the Project Scope Development services, the NJSDA determined to advance the project through the engagement of a General Contractor utilizing the NJSDA's General Construction Services Task Order Contract, and to require the General Contractor engage the services of a Design Consultant to complete needed Design Services. NJSDA staff will provide Construction Management oversight for the Project.

PROCUREMENT PROCESS

The construction task order assignment recommended for this Project results from utilization of the NJSDA's General Construction Services Task Order (GC Task Order) Contract.

The GC Task Order Contract was established so that the NJSDA has available a pool of contractors to perform certain work. The NJSDA Board initially approved the use of the GC Task Order Contract on September 4, 2019, and amended its approval on February 16, 2022 to increase the total per region award amount that each individual firm can receive. Specifically, no individual task order can exceed \$3 million and no individual firm can receive more than \$7.5 million of work per region during the duration of the Contract. Bidders were required to select a region(s) (North, South, or both) for job order assignments and accept the defined cost multiplier of 1.15, as determined by the NJSDA, for use in establishing compensation for those task order assignments to be performed on a time and materials basis. GC Task Order Contract work may also be assigned on a lump sum basis after competitive bidding among Task Order Contractors.

Following a determination to advance the Project utilizing a rotational task order assignment, on December 2, 2022, Procurement staff contacted Hall Building Corporation (HBC), the next firm on the contractor rotational list and, that same day, HBC confirmed acceptance of the Task Order assignment.

The assignment will be awarded on a Time and Material (T&M) basis for a N.T.E. value representing the most extensive scope of work pursuant to the GC Task Order Contract.

SCOPE OF WORK

NJSDA staff held a site visit with HBC on December 20, 2022 at Newark University High School to review and assess the condition of the roof for advancement of the emergent repair work. NJSDA staff instructed HBC to engage a design consultant and any sub-consultants necessary for developing a proposal, cost estimate, and schedule to address the emergent conditions.

The Project scope includes removal and replacement of approximately 15,250 square feet of low-slope roof with 3-ply cold applied modified bitumen. This requires removal of the roofing system to the existing structural deck, including all flashing and trim, as well as abatement of any hazardous materials necessary to complete the work as required based upon investigation during design.

HBC's initial work will focus on Project design based upon the above scope of work. The total cost of this design will be the N.T.E. amount of \$204,367.00, which includes \$169,367.00 for design and \$35,000.00 in allowances for investigations of existing conditions.

Upon completion of design work, the NJSDA will review and validate the final projected cost and schedule for the scope of work. This review will result in a determination to either advance the construction work on a T&M basis, for the N.T.E. amount, or to establish a fixed cost for the scope of work defined in the construction documents.

PROJECT BUDGET

The value of the HBC's award will be \$1,172,180.00, which will include the design scope of work to address the emergent project. The total funding, including design costs, construction costs, contingencies, allowances, and NJSDA staff costs is estimated at a value in the amount of \$1,819,548.00 as reflected in the attached project charter. Funding for the total Project costs is available within the Sale Proceeds Fund, as described above, and the NJSDA Program Reserve maintained for emergent projects.

RECOMMENDATION

The Members of the Authority are requested to approve:

1. The release of \$1,334,000.00 from the Program Reserve maintained for emergent projects, representing the balance of funds required for the Project after fully exhausting the remaining balance in the Sale Proceeds Fund (approximately \$486,000.00);
2. The award of a task order to Hall Building Corporation in the N.T.E. amount of \$1,172,180.00; and
3. The Final Project Charter (copy attached) representing all expended and projected funds necessary for completion of the emergent project at the University High School in the Newark Public Schools District.

Members of the Authority
Release of Funds, Award of Task Order, and Approval of Final Project Charter
Package No. EP-0126-C01
Newark Public Schools District – University High School – Emergent Project
March 1, 2023
Page 4 of 4

/s/ Sean Murphy
Sean Murphy, Managing Director, Procurement

/s/ Joseph Lucarelli
Joseph Lucarelli, Program Director, Construction Operations

Reviewed and Recommended by: Donald Guarriello, Vice President and Chief Financial Officer
Reviewed and Recommended by: Gregory Voronov, Managing Director, Planning and Program Operations

New Jersey Schools Development Authority Emergent Project Charter - Summary

Charter Date

03/01/23

Region: Northern
District: Newark
School Name: University High School
Project Type: Emergent
DOE # / Project #: 3570-057-21-0BBN
Project Location: 55 Clinton Place Newark, NJ

Supersedes

Charter Dated

N/A

Project Budget: \$ 1,819,548
Anticipated Construction NTP Date August-23
Anticipated Final Completion Date March-24
Project Initiation Date: October-21

Funding Sources

- 2011 Emergent Reserve
 - District Proceeds Sale of
 Old Central HS

Charter Version and Date	Project Summary	
<input checked="" type="checkbox"/> Final	03/01/23	The Project scope includes removal and replacement of approximately 22,200 square feet of existing low-slope roofing and approximately 1,200 square feet of high-slope roofing, selective stucco replacement work, new aluminum metal coping on the sloped stone cornice over the Eighteenth Street façade's main entrance and any necessary code or regulatory improvements which may be triggered by implementation of the scope of work.
Revision # and Date		
<input type="checkbox"/> One		
<input type="checkbox"/> Two		
<input type="checkbox"/> Three		
		Purpose for Advancement of Emergent Charter
		To establish the final budget for the project inclusive of dollar values for the award for construction, appropriate contingency, allowances, NJSDA staff costs, and estimated other costs.

Recommendation

/s/ Joseph Lucarelli	Mar 1, 2023	/s/ Gregory Voronov	Mar 1, 2023
Program Director - Project	Date	Managing Director - Program Operations	Date
Joseph Lucarelli		Gregory Voronov	
	Date	VP - Program Ops and Strategic Planning	Date
		Vacant	

Approval

(If Project Budget is greater than \$500,000 Attach Board Memo and Minutes indicating authorization of funding)

/s/ Manuel Da Silva	Mar 1, 2023
Chief Executive Officer	Date
Manuel Da Silva	

**New Jersey Schools Development Authority
Emergent Project Charter
Project Budget**

District / Project Name:	Newark/University High School
DOE # / Project #:	3570-057-21-0BBN
Charter Date:	03/01/23

Special Considerations:

The project budget is based upon the award value of the Contract for General Construction Services. Other Costs for projects range from 2% to 5% of Building Costs, with such costs for Emergent Projects budgeted at 5%. These costs are inclusive of projected DCA fees for permits and anticipated inspections. 3 allowances totaling \$35,000 have been established - 1. Hazardous Material Sampling and Testing: \$15,000 2. Additional Investigative and Design Activities: \$15,000 3. Photocopying, Printing Shipping: \$5,000

Project Budget:

GC Task Order with Design Costs	
Design & Construction Costs	\$1,137,180
Allowances	\$35,000
Construction Contingency	\$200,000
Total Construction Costs	\$1,372,180
Other Costs:	
Pre-Design Services	\$0
Project Management (SDA Staff)	\$340,000
Other Costs	\$60,000
Total Other Costs	\$400,000
PreDevelopment & Environmental Costs:	
PreDevelopment	\$47,368
Environmental/Remediation	\$0
Total PreDevelopment & Environmental Costs	\$47,368
Total Project Budget	\$1,819,548
2011 Emergent Reserve Impact	
District Funds - Sale Proceeds Old Central HS	\$486,000
Current Funding Requested	\$1,333,548

Resolution—6d.

Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final Project Charter - Newark Public Schools District – University High School - Roof Replacement - EP-0126-C01

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority authorize and approve the release of funds from the Program Reserve for emergent projects or emergency situations exceeding \$500,000; and

WHEREAS, the Operating Authority further requires Board approval of the award of construction contracts greater than \$500,000 and final project charters; and

WHEREAS, in 2008 and 2011, the SDA Board approved a total of \$197 million to fund emergent project work in SDA Districts and, in July 2020, provided an additional \$55.6 million to support the advancement of emergent projects by authorizing the reallocation of funds from the SDA’s Unforeseen Events Reserve to the Emergent Projects Reserve; and

WHEREAS, a General Contractors Task Order Contract (GCTO Contract) was approved by the Board in 2019 and amended in 2022, providing the Authority with an available a pool of contractors to perform certain work upon terms set forth in the memorandum presented to the Board on this date and incorporated herein; and

WHEREAS, built in 1957, the University High School (School) is an approximately 149,000 square foot facility in the Newark Public Schools District educating approximately 464 students in grades 7 through 12; and

WHEREAS, upon confirmation of the need for an emergent roof replacement (the Project) at the School, the SDA engaged Dewberry Engineers in October 2021 for the performance of Project scope development services to address these conditions; and

WHEREAS, upon completion of these Project scope development services, the SDA determined to advance the Project through utilization of the GCTO Contract, and to require the general contractor to engage the services of a design consultant to complete needed design services; and

WHEREAS, on December 2, 2022, Procurement staff contacted Hall Building Corporation (HBC), the next firm on the GCTO contractor rotational list and, that same day, HBC confirmed acceptance of the Task Order assignment; and

WHEREAS, the assignment will be awarded on a time and materials (T&M) basis for a not-to-exceed value representing the most extensive scope of work pursuant to the GC Task Order Contract; and

WHEREAS, SDA staff and HBC held a site visit on December 20, 2022 at the School to review and assess the condition of the roof for advancement of the emergent repair work; and

WHEREAS, HBC’s initial work will focus on Project design based on the Project scope of work for a total not-to-exceed cost of \$204,367; and

WHEREAS, upon completion of design work, Authority staff will review and validate the final projected cost and schedule and determine whether to advance the work on a time and materials basis for the not-to-exceed amount or on a fixed cost basis; and

WHEREAS, the value of HBC's contract award will be \$1,172,180, with total funding for the Project estimated at \$1,819,548, as reflected in the Project's charter; and

WHEREAS, funding for the total project costs is available within the SDA Program Reserve maintained for emergent projects, and within a separate fund maintained by the Authority containing the remaining proceeds from the sale of the former Newark Central High School; and

WHEREAS, as the construction award and the funds requiring release from the Program Reserve for the Project exceed \$500,000, both require Board approval; and

WHEREAS, management recommends that the Members of the Authority approve the Project's final charter as proposed, the contract award to HBC in the not-to-exceed amount of \$1,172,180 and the release of \$1,334,000 from the Program Reserve maintained for emergent projects.

NOW, THEREFORE, BE IT RESOLVED, that to facilitate completion of the emergent project at the University High School in the Newark Public Schools District, the Members of the Authority hereby authorize and approve the award of a task order to Hall Building Corporation in the not-to-exceed amount of \$1,172,180, along with and the Project's final charter as presented to the Board on this date, representing all expended and projected funds necessary for project completion.

BE IT FURTHER RESOLVED, that the Members of the Authority authorize the release of \$1,334,000 from the Program Reserve maintained for emergent projects to supplement funding for the Project available through the remaining proceeds from the sale of the former Newark Central High School.

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, Release of Funds from Program Reserve, Award of Task order Contract and Approval Final Project Charter, Newark Public Schools District, University High School, EP-0126-C01, Emergent Project, dated, March 1, 2023

Dated: March 1, 2023

**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: March 1, 2023

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 2/15/23

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.

2011 & 2012 Portfolio Projects Activities Summary

as of 2/15/23

2012 Portfolio Projects - sorted by District

1

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

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

2011 & 2012 Portfolio Projects Activities Summary

as of 2/15/23

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 Sep. 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	School delivered Nov. 2020 (Dobco)	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	\$145.0	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 Sep. 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	Award for D-B approved Jun. 2022 Board. (Dobco, Inc.)	5/19/21 11/15/21
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.

2011 & 2012 Portfolio Projects Activities Summary

as of 2/15/23

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	School occupied Sep. 2021 (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	\$38.9	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	\$59.8	Design-Bid-Build	Award for GC approved Mar. 2019 Board. (Terminal)	10/12/18
Trenton	Central HS	10-12	1,850	2,176	\$155.4	Design-Build	School occupied Sep. 2019. (Terminal)	12/19/14 9/29/15

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

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

Active Project Status Report Status as of 2/1/2023

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	City of Orange	Cleveland Street ES	Addition/Renovation	Construction	Under Review	Under Review	Under Review	Under Review	\$ 38,860,332
2	City of Orange	Orange High School	Addition/Renovation	Construction	1Q 2023	On-target	Phased	On-target	\$ 59,769,930
3	Keansburg	Port Monmouth Road School	Addition/Renovation	Construction	1Q 2023	On-target	Sep-22	Achieved	\$ 28,440,130
4	Millville	Millville Senior High School	Addition/Renovation	Construction	1Q 2023	On-target	Phased	On-target	\$ 145,005,733
5	Perth Amboy	New High School	New Construction	Construction	2Q 2024	On-target	Sep-24	On-target	\$ 283,830,000
6	Plainfield	New Woodland ES	New Construction	Construction	3Q 2023	On-target	Sep-23	On-target	\$ 59,440,000
7	Union City	New Grade 7 to 9 School	New Construction	Design-Build Design	3Q 2025	On-target	Sep-25	On-target	\$ 93,696,300

Active Project Status Report Status as of 2/1/2023

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	Irvington	Grove Street School	Boiler Replacement	GCTO w/ Design Design Phase	2Q 2023	On Target	2Q 2023	On-Target	\$ 3,762,782
2	Newark	Cleveland School	Boiler Room Vault Repairs	GCTO w/ Design Design Phase	2Q 2023	On Target	2Q 2023	On-Target	\$ 1,664,389
3	Newark	Malcolm X. Shabazz HS	Structural Repairs	Construction	3Q 2022	Achieved	1Q 2023	On-Target	\$ 3,189,000
4	Newark	Roberto Clemente School	Sub-Basement Water Infiltration	Construction	3Q 2022	Achieved	1Q 2023	On-Target	\$ 1,456,800
5	Newark	Techonology High School	Structural Vault Repairs and Façade Repairs	GCTO w/ Design Design Phase	2Q 2023	On Target	3Q 2023	On-Target	\$ 2,867,680
6	Paterson	PS #5	Roof Replacement & Masonry Repairs	Construction	1Q 2023	Achieved	1Q 2023	On-Target	\$ 10,968,112

PROJECT STATUS REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director – Program Operations

DATE: March 1, 2023

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:

Revised Final Project Charter for Orange High School

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

Reporting Period: January 2008 to January 2023

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

Millville	Millville Senior HS - Addition & Renovation	\$5,000,000	\$5,000,000	\$0	100.0%	86%	Board approved additional building condition repair work and flood hazard area mitigation work added to the project.	Project is in construction and scheduled for completion per the original schedule. Revised Final Project Charter approved by the CEO in June 2021 to allocate additional contingency to the project from the Unforeseen Events Reserve.
Orange	Orange HS - Addition & Renovation	\$4,525,000	\$4,525,000	\$0	100.0%	92%	Unforeseen conditions related to the site and renovation portions of the project and connection of the HS to the Orange Preparatory Academy.	Project is in construction and scheduled for completion this year. Revised Final Project Charter approved by the CEO to allocate additional contingency to the project from the Unforeseen Events Reserve.

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: January 2023

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

Revisions to Project Charters

Reporting Period: January 2023

#	District	Project	Financial & Schedule Impacts	Additional Funds Approved	Additional Funds as % of Total Project Budget	Operating Authority Approval Requirement	Description of Revision
1	Orange	Orange HS - Addition & Renovation	Budget Increase	\$ 3,706,325	6.61%	Board Approval	Project budget increase due to numerous unforeseen conditions discovered throughout the Project that necessitated the issuance of change orders to ensure that construction continued to progress on the Project which has nearly depleted the Construction Contingency Budget Line Item. The need for oversight due to these unforeseen conditions have also nearly depleted the Design, PMF/CM and Project Management (SDA Staff) Budget Line Items. This increase is partially offset by rebates and refunds received to date and insurance recoveries for change order work.

CONTRACTS EXECUTED REPORT/AMENDMENTS & CHANGE ORDERS REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director, Program Operations

DATE: March 1, 2023

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 December 1, 2022 through January 31, 2023.

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 December 1, 2022 through January 31, 2023.

Noteworthy Items during the reporting period:

- No Professional Services Amendments were executed during the reporting period.
- 41 Construction Services Change Orders were executed during the reporting period totaling \$0.6M, of the 41 executed change orders none required Board approval.

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

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

- No Activity to Report

Amendments & Change Orders Report

Reporting Period: 12/1/2022 through: 1/31/2023

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													
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	215	Terminal Construction Corp.	1/17/2023	\$37,000,000	\$7,448,664	\$27,853			\$44,476,517	20.2%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	234	Terminal Construction Corp.	1/17/2023	\$37,000,000	\$7,476,517	\$712			\$44,477,229	20.2%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	237	Terminal Construction Corp.	1/17/2023	\$37,000,000	\$7,477,229	\$4,884			\$44,482,113	20.2%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	235	Terminal Construction Corp.	1/18/2023	\$37,000,000	\$7,482,113	\$4,662			\$44,486,775	20.2%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	57	Terminal Construction Corp.	1/19/2023	\$37,000,000	\$7,486,775	\$1,422			\$44,488,197	20.2%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	168	Terminal Construction Corp.	1/19/2023	\$37,000,000	\$7,488,197	\$1,224			\$44,489,421	20.2%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	226	Terminal Construction Corp.	1/19/2023	\$37,000,000	\$7,489,421	\$3,459			\$44,492,880	20.3%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	227	Terminal Construction Corp.	1/19/2023	\$37,000,000	\$7,492,880	\$17,806			\$44,510,685	20.3%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	229	Terminal Construction Corp.	1/19/2023	\$37,000,000	\$7,510,685	\$4,196			\$44,514,881	20.3%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	230	Terminal Construction Corp.	1/19/2023	\$37,000,000	\$7,514,881	\$2,941			\$44,517,822	20.3%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	231	Terminal Construction Corp.	1/19/2023	\$37,000,000	\$7,517,822	\$11,359			\$44,529,181	20.3%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	232	Terminal Construction Corp.	1/19/2023	\$37,000,000	\$7,529,181	\$9,000			\$44,538,181	20.4%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	236	Terminal Construction Corp.	1/19/2023	\$37,000,000	\$7,538,181	\$965			\$44,539,147	20.4%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	51	Terminal Construction Corp.	1/20/2023	\$37,000,000	\$7,539,147	\$1,507			\$44,540,654	20.4%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	2280	Terminal Construction Corp.	1/20/2023	\$37,000,000	\$7,540,654	\$2,020			\$44,542,674	20.4%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	223	Terminal Construction Corp.	1/23/2023	\$37,000,000	\$7,542,674	\$5,200			\$44,547,874	20.4%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	218	Terminal Construction Corp.	12/12/2022	\$37,000,000	\$7,255,396	\$2,428			\$44,257,824	19.6%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	222	Terminal Construction Corp.	12/12/2022	\$37,000,000	\$7,257,824	\$16,503			\$44,274,327	19.7%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	204	Terminal Construction Corp.	12/13/2022	\$37,000,000	\$7,274,327	\$1,642			\$44,275,969	19.7%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	217	Terminal Construction Corp.	12/13/2022	\$37,000,000	\$7,275,969	\$294			\$44,276,263	19.7%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	221	Terminal Construction Corp.	12/13/2022	\$37,000,000	\$7,276,263	\$29,089			\$44,305,351	19.7%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	195	Terminal Construction Corp.	12/16/2022	\$37,000,000	\$7,305,351	\$12,844			\$44,318,196	19.8%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	203	Terminal Construction Corp.	12/19/2022	\$37,000,000	\$7,318,196	\$1,850			\$44,320,045	19.8%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	205	Terminal Construction Corp.	12/19/2022	\$37,000,000	\$7,320,045	\$2,147			\$44,322,192	19.8%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	212	Terminal Construction Corp.	12/19/2022	\$37,000,000	\$7,322,192	\$913			\$44,323,106	19.8%



Amendments & Change Orders Report

Reporting Period: 12/1/2022 through: 1/31/2023

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 %
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	213	Terminal Construction Corp.	12/20/2022	\$37,000,000	\$7,323,106	\$992			\$44,324,098	19.8%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	224	Terminal Construction Corp.	12/23/2022	\$37,000,000	\$7,324,098	\$45,086			\$44,369,185	19.9%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	61	Terminal Construction Corp.	12/28/2022	\$37,000,000	\$7,369,185	\$12,750			\$44,381,935	20.0%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	188	Terminal Construction Corp.	12/28/2022	\$37,000,000	\$7,381,935	\$66,730			\$44,448,664	20.1%
Keansburg Borough	Port Monmouth Road School	ET-0098-C01	12/19/2019	15	Niram Inc.	1/26/2023	\$18,645,000	\$1,226,187	\$19,717			\$19,890,904	6.7%
Keansburg Borough	Port Monmouth Road School	ET-0098-C01	12/19/2019	17	Niram Inc.	1/27/2023	\$18,645,000	\$1,245,904	\$13,592			\$19,904,495	6.8%
Keansburg Borough	Port Monmouth Road School	ET-0098-C01	12/19/2019	18	Niram Inc.	1/27/2023	\$18,645,000	\$1,259,495	\$4,362			\$19,908,858	6.8%
Keansburg Borough	Port Monmouth Road School	ET-0098-C01	12/19/2019	19	Niram Inc.	1/27/2023	\$18,645,000	\$1,263,858	\$2,830			\$19,911,687	6.8%
Keansburg Borough	Port Monmouth Road School	ET-0098-C01	12/19/2019	20	Niram Inc.	1/27/2023	\$18,645,000	\$1,266,687	\$1,622			\$19,913,310	6.8%
Keansburg Borough	Port Monmouth Road School	ET-0098-C01	12/19/2019	21	Niram Inc.	1/27/2023	\$18,645,000	\$1,268,310	\$7,194			\$19,920,503	6.8%
Keansburg Borough	Port Monmouth Road School	ET-0098-C01	12/19/2019	23	Niram Inc.	1/30/2023	\$18,645,000	\$1,275,503	\$11,953			\$19,932,456	6.9%
Keansburg Borough	Port Monmouth Road School	ET-0098-C01	12/19/2019	38	Niram Inc.	1/30/2023	\$18,645,000	\$1,287,456	\$656			\$19,933,112	6.9%
Newark	Technology H.S.	EP-0112-C03	7/20/2021	1	Hall Building Corporation	12/30/2022	\$1,999,336	\$0	\$67,407			\$2,066,743	3.4%
Paterson	Number 5 E.S.	EP-0113-C01	6/15/2021	15	Paul Otto Building Co., Inc.	12/30/2022	\$7,494,000	\$174,426	\$16,183			\$7,684,609	2.5%
Harrison	Harrison Kennedy E.S.	HU-0027-B01	12/15/2016	17	Brockwell & Carrington Contractors, Inc.	12/13/2022	\$25,899,600	\$118,234	(\$180)			\$26,017,654	0.5%
Plainfield	New K-5 Elementary School	ET-0100-B01	3/11/2020	9	Epic Management, Inc.	1/26/2023	\$45,335,000	\$573,734	\$163,018			\$46,071,752	1.6%

Contractor	
Construction Services	\$600,831

Grand Totals	Total Change Order Summary	Total Change Orders
	\$600,831	41

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: J Manuel Castillo, Director - EEO/Affirmative Action & Vendor Services 

DATE: March 1, 2023

SUBJECT: Diversity and Workforce Participation Monthly Update for December 2022

The EEO/Affirmative Action & Vendor Services Team consistently participates in mandatory pre-bid and pre-construction meetings to inform and provide guidance to bidders regarding SDA’s Small Business Enterprise (SBE) and Workforce goals, policies and procedures. The guidance provided in such meetings is on, among other things, the following:

- 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

During these meetings, our Team strongly encourages vendors to identify and hire minority-owned, women-owned and disabled veteran-owned firms, as well as locally based enterprises, for diverse business participation on all school building projects. Our Team provides vendors outreach strategies for them to analyze and utilize.

SMALL BUSINESS ENTERPRISE ATTAINMENT

The SDA regularly exceeds the State-mandated 25% SBE goal. The total SDA contract dollars awarded through December 31, 2022 was \$13,749,716. The total contract dollars awarded to all SBE contractors was \$4,690,386 (including minorities, women and veterans). This represents an initial participation of 34.11% of all SDA contracts awarded in calendar year 2022. Participation will continue to increase as the Prime contractor hires additional subcontractors/subconsultants throughout the lifecycle of the construction project.

Diversity Breakdown

Type of Business Enterprise	Contract Amount	% of Total SDA Contracts
Small Business Enterprises	\$ 3,914,111	28.47%
Small/ Minority Business Enterprises	\$ 645,275	4.69%
Small/Women Business Enterprises	\$ 131,000	0.95%
Small/Minority/Women Owned Business Enterprises	\$ -0-	0.00%
Small/Veteran Owned Business Enterprises	\$ -0-	0.00%
Small/Disabled Veteran Owned Business Enterprises	\$ -0-	0.00%
TOTAL DIVERSITY CONTRACTS	\$ 4,690,386	34.11%

WORKFORCE PARTICIPATION

For the month of December 2022, there was a contractor workforce of 437 on SDA projects. This represents a total of 37,963 contractor workforce hours. This is explained in more detail below:

Contractor Workforce Breakdown (All Trades/Districts/Counties)			
Ethnicity	Total Workforce	Total Workforce Hours	Workforce Hours Percentage
Black	34	2,869	7.56%
Hispanic	79	7,920	20.86%
American Indian	0	0	0.00%
Asian	1	192	0.51%
Total Minority Participation	114	10,981	28.93%
Total Non-Minority Participation	323	26,982	71.07%
Total Contractor Workforce	437	37,963	100.00%

There was a contractor workforce of 552,602 total workforce hours on SDA projects for the period of January 1, 2022 through December 31, 2022, which includes 7,538 total female workforce hours.

The following table highlights the *Local County Contractor Workforce* participation for this period:

Local County Contractor Workforce Participation	Workforce Hours	Percentage
*Total Workforce Hours	552,602	100.00%
*Total Local County Workforce Hours	60,186	10.89%
Total Local County Non-Minority Workforce Hours	32,352	5.85%
Total Local County Female Workforce Hours	88	0.02%
Total Local County Minority Workforce Hours	27,834	5.04%
**Local County Workforce Hours by Ethnicity:		
Black	8,294	1.50%
Hispanic	19,540	3.54%
American Indian	0	0.00%
Asian	0	0.00 %

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

**Ethnicity breakdown of Total Local County Minority Workforce Hours.

NOTE: Hours worked by female laborers who are minority are included in total number of hours worked by female laborers. Therefore, hours worked by female minority laborers are not included in the minority breakdown.

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, 2022 through December 31, 2022.

SDA Managed Project	Total Workforce Hours	Minority Workforce Hours & Percentage		Local County Workforce Hours & Percentage	
Port Monmouth Road School	30,814	7,455	24.19%	0	0.00%
Millville HS	85,616	20,601	24.06%	9,727	11.36%
Union Ave MS	671	165	24.59%	0	0.00%
Orange HS	16,086	5,195	32.30%	272	1.69%
Perth Amboy HS	311,392	96,055	30.85%	19,299	6.20%
Plainfield ES	95,173	27,508	28.90%	29,976	31.50%
Emergent Projects	11,349	5,153	45.40%	0	0.00%

Prepared by: Charlotte Brooks

REGULAR OPERATING DISTRICTS (RODs) ACTIVITY REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director, Program Operations

DATE: March 1, 2023

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 January 2023. Also included is a detailed list of grants executed and grants offered during the reporting period if applicable.

Monthly Update:

- No grants were offered during the reporting period.
- No grants were executed during the reporting period.
- Two grants impacting one district were closed out during the reporting period representing total project costs of \$2.4 million and \$0.9 million.
- 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.



SCHOOLS DEVELOPMENT AUTHORITY

Monthly Regular Operating District Grant Report - Summary

January 2023

ROD Grant Summary Since Program Inception				
	Offered ¹	Executed	Closed-Out	Active
Districts Impacted	-	524	520	50
Number of Grant Projects	-	5,404	5,212	192
Total Project Cost Estimate	\$ -	\$ 8,941,494,310	\$ 8,795,579,369	\$ 145,914,941
Grant Amount	\$ -	\$ 3,000,848,738	\$ 2,930,480,724	\$ 70,368,014
Amount Disbursed	N/A	\$ 2,952,865,396	\$ 2,930,480,724	\$ 22,384,672

Total Funding Offered to School Districts via Grant Program	\$ 3,342,209,450
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Total ROD Grant Funding remaining for new Grant Projects	\$ 475,167,695
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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	-	1
Number of Grant Projects	-	2
Total Project Cost Estimate	\$ -	\$ 2,367,887
Grant Amount	\$ -	\$ 947,155
Amount Disbursed	NA	\$ 947,155

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

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

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

COMMUNICATIONS MONTHLY REPORT

MEMORANDUM

TO: Members of the Authority

FROM: /s/ Edye Maier, Director of Communications

DATE: March 1, 2023

SUBJECT: Monthly Communications Report

SDA Receives Construction Award

On Thursday, February 16, 2023, the SDA was honored at the New Jersey Alliance for Action's 12th Annual New Jersey's Leading Capital Construction Projects Awards. The SDA and our construction partners were recognized for work on the construction of the new Perth Amboy High School. SDA Program Director, Joseph Lucarelli, accepted the award on behalf of the SDA.



MONTHLY FINANCIAL REPORT *(no report)*

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

RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION

Resolution—9.

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 New Jersey Schools Development Authority (SDA or 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; and

WHEREAS, the matter for Executive Session discussion and deliberation involves acquisition by the Authority of real property located in Newark, Essex County, New Jersey and legal matters associated therewith; and

WHEREAS, the minutes of the Board’s March 1, 2023 Executive Session meeting will be available for release for public review upon the full and final conclusion of all negotiations, legal proceedings, and settlements, and associated matters and/or 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.

BE IT FURTHER RESOLVED, that the minutes of the Board’s March 1, 2023 Executive Session meeting will be available for release for public review upon the full and final conclusion of all negotiations, legal proceedings, settlements, and associated matters, and/or 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 March 1, 2023

Dated: March 1, 2023