

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD MEETING
WEDNESDAY, NOVEMBER 6, 2019 AT 9:00 A.M.
32 E. FRONT STREET, TRENTON, NJ
BOARD ROOM**

1. NOTICE OF PUBLIC MEETING

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MEETING MINUTES

- a. Board Open Session Meeting Minutes of October 2, 2019
- b. Board Executive Session Meeting Minutes of October 2, 2019

5. AUTHORITY MATTERS

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

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

- a. Addendum No. 3 of Memorandum of Understanding Between the NJSDA and the Higher Education Student Assistance Authority [HESAA]

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

- a. Construction Management Services – Keansburg School District – Port Monmouth Road School – Addition and Renovation
- b. Award of Construction Contract and Approval of Final Project Charter – Keansburg School District – Port Monmouth Road School
- c. Design-Build Award and Approval of Final Project Charter – Perth Amboy Public Schools District – New Perth Amboy High School

- d. COMPANY NAME: Greyhawk North America, LLC
DISTRICT: New Brunswick School District
CONTRACT NO.: ET-0073-M01
PMF/CM: Greyhawk North America, LLC
SCHOOL NAME: Paul Robeson Community School for the Arts
AGREEMENT VALUE: \$1,487,500.00
AMENDMENT NO.: 1
REASON: De-Obligation of Unused Contract Funds
AMOUNT: (\$188,750.00)
CONTRACT STATUS: 73.4% Paid to Date against the Current Contract
OCCUPANCY DATE: July 25, 2018

- e. Notification of Completion of Pre-Design Phase Services and Authorization to Proceed with Design Phase Services – Bridgeton School District – Bridgeton High School - Emergent Project – Water Infiltration [**INFORMATIONAL**]

- f. Procedures for Compliance with Alyssa's Law - Special Adopted and Concurrent Proposed New Rules: N.J.A.C. 19:32A 1.1 to 3.1

8. MONTHLY REPORTS

- a. *For Informational Purposes*
 - i. Active Projects Report
 - ii. Project Close Out Status Report
 - iii. Project Status Reports
 - iv. Contracts Executed Report/Amendments & Change Orders Executed Report
 - v. Contract Terminations Report (*no activity*)
 - vi. Settlement Activities Report (*no activity*)
 - vii. Contractor and Workforce Compliance Report
 - viii. Regular Operating District Grant Activity Report
 - ix. Notification of Amendments to Goods and Services Contracts Not Exceeding \$100,000 or 10% of the Contract Value (*no activity*)
 - x. Communications Report (*no report*)
 - xi. Monthly Financial Report
 - xii. Design Contract De-Obligations Report (*no activity*)

9. PUBLIC COMMENTS

10. NO EXECUTIVE SESSION

- a. Litigation/Contract Matter(s) – OPMA Exemption N.J.S.A. 10:4-12b (7)
CCD Report (*no activity*)

11. ADJOURNMENT

APPROVAL OF MEETING MINUTES

OCTOBER 2, 2019 OPEN SESSION MINUTES

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS MEETING
WEDNESDAY, OCTOBER 2, 2019**

A meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, October 2, 2019 at 9:00 A.M. at the offices of the Authority at 32 East Front Street, Trenton, New Jersey.

Participating were:

- Mario Vargas, Vice Chairman
- Michael Kanef (Treasury)
- Bernard Piaia (DOE)
- Juan Burgos (EDA)
- Kevin Luckie (DCA)
- Kevin Egan
- Richard Elbert
- Lester Lewis-Powder
- Loren Lemelle
- Michael Maloney

being a quorum of the Board. Mr. Egan, Mr. Elbert, Ms. Lemelle, Mr. Lewis-Powder, Mr. Maloney and Mr. Piaia participated in the meeting by teleconference.

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

In the absence of the Chairman, the meeting was called to order by Mr. Vargas, the Vice Chairman, 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 had been duly posted on the Secretary of State's bulletin board at 20 West State Street in Trenton, New Jersey. Ms. Kelly then conducted a roll call and indicated that a quorum of the Members was present.

Pledge of Allegiance

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

Approval of Meeting Minutes

Mr. Vargas presented for consideration and approval the minutes of the Board's September 4, 2019 Open Session meeting. A copy of the meeting minutes and a resolution had been provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Luckie and seconded by Mr. Kanef, the Open Session meeting minutes of the September 4, 2019 SDA Board meeting were approved by the Board upon the Members' unanimous vote in favor of the resolution attached hereto as ***Resolution 4a***.

Authority Matters

CEO Report

The Vice Chairman asked Interim Chief Executive Officer (CEO) Manuel Da Silva for the Report of the CEO. Mr. Da Silva introduced Deputy Chief Counsel Brian Wilton and Associate Counsel Joy Johnson of the Governor's Authorities Unit. He noted that Ms. Johnson will be replacing Adam Sternbach as the Authority's liaison to the GAU.

Next, Mr. Da Silva gave an update on the September 2019 school openings. He reported that the Authority opened four new schools last month representing over \$300 million in project

costs, 4,182 new seats and 680,000 square feet of new school. He added that the four schools are all occupied.

Mr. Da Silva then discussed the 14 remaining capital plan projects. With respect to projects in design, he said that for the Paterson Union Avenue MS project, design phase services are ongoing. He added that piles, foundations and steel were released by the Department of Community Affairs (DCA) the previous week.

Turning to projects in the procurement stage, Mr. Da Silva reported that for the Perth Amboy HS project, proposals are due this month and staff anticipates advancing a recommendation of award to the Board in November. For the Keansburg Port Monmouth Road School, he said that staff received proposals from four firms in September for general contracting services and, separately, from thirteen firms for construction management services. He added that staff anticipates advancing recommendations of award to the Board in November for both general contracting services and construction management services. In regard to the Plainfield Woodland ES project, he advised that staff advertised for design-build services at the end of August and proposals are due in November.

Mr. Da Silva gave an update on projects in the constructability stage. He said that for the Orange Cleveland Street ES and Orange HS projects, the constructability review phase is proceeding on schedule.

With respect to design-build projects in construction, Mr. Da Silva informed the Members that for the Camden HS project, design phase services and structural steel work continues in the building. For the East Orange George Washington Carver ES project, he said that the design-builder has completed design phase services. He added that interior mechanical, electrical and plumbing finish work is ongoing. He reported that for the Harrison New ES

project, mechanical, electrical and plumbing (MEP) rough-in enclosure are ongoing, as well as exterior masonry veneer construction, roofing and window installation activities.

In continuing, Mr. Da Silva said that for the Millville HS addition and renovation project, design phase services continue. He advised that Phase II addition masonry and MEP rough-in activities and Phase III footings and foundation work is ongoing. For the Passaic Dayton Avenue Educational Campus project, he reported that Terminal Construction has completed all slabs on decks and commenced exterior framing of upper floors to advance roof installation. He noted that staff anticipates the issuance of the full notice-to-proceed (NTP) with construction this month. In regard to the Pemberton Denbo Crichton ES project, he advised that the SDA has issued the full NTP. He added that all interior work is underway.

Next, Mr. Da Silva reported on projects in the programming stage. He said that for the Hoboken Demarest ES project, staff held a design services kickoff meeting. For the Union City New Grade 7 to 9 School project, he reported that SDA in-house design development is ongoing.

Mr. Da Silva gave an update on SDA grant activity. He advised the Members that, as of August 2019, 13 grants impacting 9 districts were closed out during the reporting period, representing \$19.4 million in total project costs and a state share of \$8.6 million.

With respect to emergent projects, Mr. Da Silva said that there are 6 active projects scheduled with substantial completion by the end of 2019 and total project costs of \$4.37 million.

Turning to Authority events, outreach and other activities, Mr. Da Silva informed the Members that on September 5, SDA joined Passaic students and officials for a ribbon cutting ceremony on the first day of school at the Sonia Sotomayor School No. 21. He said it was a great day and SDA staff was happy that Passaic Mayor Lora, Assemblyman Schaer and Assemblyman Calabrese were there to participate in the event.

Mr. Da Silva reported that on September 6, the SDA joined the Trenton School District for a ribbon cutting ceremony for the new High School. He said that it was a wonderful event which was attended by Chairman Nixon and Board Member Michael Maloney. He added that on Monday, September 9, a few SDA staff members were also at TCHS for the first day of school. He said students walked down a red carpet to the gymnasium. He added that all 1,850 students were cheering and singing.

Mr. Da Silva said that on September 19, the SDA joined the Irvington School District for a ribbon cutting ceremony for the new Madison Avenue ES. He added that Irvington Mayor Vauss attended the event, noting that it was a great event.

Mr. Da Silva reported that on September 24, SDA celebrated the last of the 4 ribbon cuttings at the new Rosa M. Lopez ES. He said that Assembly Speaker Coughlin, Assemblywoman Lopez and Mayor Diaz were in attendance.

Audit Committee

Mr. Vargas asked Mr. Kanef to provide the report of the Audit Committee. Mr. Kanef reported that the Audit Committee met on September 16, 2019 at which time management provided the Committee with the August 2019 New Funding Allocation and Capital Plan Update. He advised that, during the reporting period, there were no changes in any of the reserve balances for the SDA districts. He informed the Members that the reserve balance for the Regular Operating Districts (RODs) increased by \$400,000 during the reporting period due to a reduction in state share for grant projects nearing completion.

Next, Mr. Kanef advised the Board that the Committee was provided with the results of an audit that was conducted to comply with the statutory requirement that capital portfolio projects over \$10 million be reviewed to assess whether state funds were expended in accordance with contract terms, SDA practices and state regulations. He reported that there were no adverse

findings, adding that the audit revealed that State funds utilized for the project were expended prudently and consistent with legal requirements.

Mr. Kanef then provided the August 2019 Monthly Financial Report. He advised the Committee that the Authority's operating expenses (Actual vs. Budget) for the year-to-date period totaled \$12.2 million, \$1.6 million lower as compared to the budget for the corresponding period. He explained that the decrease is mainly attributable to lower personnel costs. He reported that operating expenses (Actual vs. Prior-year Actual) for the year-to-date period, at \$12.2 million, are approximately \$784,000 higher compared to the operating budget for the corresponding prior year period--largely attributable to the 2018 Authority restructuring. Mr. Kanef added that the Authority is projecting that this increase will gradually dissipate over the remaining months of the year due to the staff reduction in July 2019. Mr. Kanef then reported that school facilities project expenditures (Actual vs. Forecast) for the year-to-date period total \$200.5 million, \$13.7 million lower as compared to the capital spending forecast for the corresponding period. He advised that this variance is the result of lower than forecasted expenditures for grant activity and design services—net of cost recovery settlements, property acquisitions, lower spending on project management and other project related costs. He noted that this variance is offset by spending increases in construction activity. Mr. Kanef then reported that project expenditures (Actual vs. Prior Year Actual), at \$200.5 million, are \$15.7 million lower as compared to the corresponding prior year period. He explained that the variance is due to decreased grant activity, project insurance costs and design services – net of cost recovery settlements, and other project related costs. He reported that this decreased spending is offset by an increase in spending for construction work and school furniture purchases. He said that, since program inception, approximately 84.8% of the funds authorized for SDA districts have been disbursed. Additionally, he said that, since program inception, 96%

of all SDA disbursements relate to school facilities projects, while 4% relate to operating expenses. He advised that the estimated value of active school facilities capital, emergent and regular operating district grant projects is approximately \$2 billion.

Mr. Kanef then advised that management presented the Committee with a personnel report in accordance with the September 4, 2019 approved amendments to the SDA Bylaws and Audit Committee Charter.

Next, Mr. Kanef advised that 1 item was discussed by the Committee that requires Board action. He said that management presented a proposed Legal Services Award (the Award). Referencing a memorandum that was distributed to the Members in advance of the meeting, he explained that management recommended, and the Committee is advancing for approval, awards to law firms with expertise in seven (7) areas. He listed those areas as: 1) Bankruptcy & Insolvency Proceedings; 2) Environmental Law; 3) Employment Law; 4) Government Contracting, Bid Protests & Procurement; 5) Professional Errors & Omissions & Cost Recovery; 6) Construction Litigation; and 7) Real Estate Law. He said that the Board is requested to approve the proposed award of contracts to 13 firms to provide these services following a competitive procurement process. He noted that these services were similarly procured by the SDA on five (5) prior occasions beginning in 2008 to complement the legal support provided to the Authority through its Office of Chief Counsel and by the Division of Law in the Office of the Attorney General. He advised that the services will be performed for a blended hourly rate of \$200 per hour for attorneys and \$90 per hour for paralegals for the two-year term. He advised the Board that no one firm can be compensated in excess of \$1,500,000 over the term of the engagement, regardless of whether it's engaged in one or more of the specialty areas. Mr. Kanef noted that these are the same terms SDA utilized in the previous procurements.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon a motion duly made by Mr. Luckie and seconded by Mr. Burgos, the Board approved the proposed contract awards for legal services with its unanimous vote in favor of *Resolution 6a*.

School Review Committee

Notification of Completion of Pre-Design Phase Services and Authorization to Proceed with Design Phase Services - Newark Public School District – Ivy Hill Elementary School – Boiler Room Vault Emergent Project – [INFORMATIONAL]

Mr. Vargas asked Mr. Luckie to provide the report of the School Review Committee. Mr. Luckie reported that the School Review Committee met on September 16, 2019 at which time one informational item was discussed in Open Session. He explained that management is advancing an emergent project at the Newark Ivy Hill ES to address a structural issue and water infiltration issues in the sub-surface boiler vault room. He reported that DRG Architects (DRG) was engaged by the SDA through the design consultant services task order contract to perform pre-design phase services, inclusive of investigation and testing, in order to provide SDA with options for addressing the conditions. He noted that SDA staff will then determine which option to advance. Mr. Luckie said that the design consultant task order engagement, with Board approval, does not provide for or require staff to come to the Board to advance within the phases of that engagement. He added that, this memorandum is presented to the Board to inform the Members that staff will select an option based upon the pre-design work and that all of the options will be for dollar amounts greater than \$500,000. He explained that management will later come to Board for approval because the recommendation toward construction after procurement will be a for a dollar value that will require Board approval.

Public Comments

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

The Vice Chairman then announced that the Board would be adjourning into Executive Session. Ms. Kelly said that the Board had resolved to adjourn into Executive Session discuss a contractual matter regarding the Millville HS project. She said that no formal action would be taken regarding this item.

Thereafter, upon motion by the Vice Chairman and with unanimous consent, the meeting adjourned into Executive Session.

Certification: The foregoing represents a true and complete summary of the actions taken by the Board of the New Jersey Schools Development Authority at its October 2, 2019 meeting.

/s/ Jane F. Kelly
Assistant Secretary

Resolution—4a./4b.**Approval of Minutes**

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

WHEREAS, pursuant to Section 3(k) of P.L. 2007, Chapter 137, the minutes of the October 2, 2019 Board meeting of the New Jersey Schools Development Authority, for the Open and Executive Sessions were forwarded to the Governor on October 7, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the minutes of the New Jersey Schools Development Authority's October 2, 2019 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: November 6, 2019

AUTHORITY MATTERS

CEO REPORT

CHAIRMAN'S REPORT

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

**ADDENDUM NO. 3 OF MEMORANDUM OF UNDERSTANDING BETWEEN THE
NJSDA AND THE HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY
[HESAA]**



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

MEMORANDUM

TO: The Members of the Authority

FROM: Manuel Da Silva, Interim Chief Executive Officer

RE: Addendum No. 3: Memorandum of Understanding between NJSDA and HESAA

DATE: November 6, 2019

INTRODUCTION

The purpose of this memorandum is to request Board approval to modify the Memorandum of Understanding (“MOU”) between the New Jersey Schools Development Authority (“NJSDA”) and the New Jersey Higher Education Student Assistance Authority (“HESAA”). Specifically, management is seeking to modify the calculation for future reimbursable HESAA Administrative Fees beginning with the 2019-2020 academic year. A draft copy of Addendum No. 3 to the MOU, which contains the proposed change, is included in Attachment A to this memorandum. Management is also seeking the Board’s approval to formally increase the funding for previously billed HESAA Administrative Fees paid by NJSDA related to the 2016-2017, 2017-2018 and 2018-2019 academic school years. Although the amounts billed by HESAA are consistent with the terms of the MOU, the billings exceeded the amounts authorized previously by the NJSDA Board.

The MOU was originally executed on July 31, 2013, and extensions were subsequently approved by the NJSDA Board on July 6, 2016 and June 5, 2019, the latter of which extended the MOU term through May 1, 2022. Under the MOU, NJSDA provides funds for the HESAA administered Governor’s Industry Vocations Scholarship Program (“NJ-GIVS”).

BACKGROUND

The proposed new methodology for calculating HESAA Administrative Fees would require HESAA to invoice NJSDA at a flat 10% rate applied to the amount of scholarships awarded during a particular academic year. Currently, HESAA invoices NJSDA for fully-documented and actual administrative expenses, subject to maximum spending limits specified in the MOU; however, the level of effort associated with collecting, authenticating, and reviewing “actual costs” has proven to be burdensome for both entities and has resulted in delays in invoicing by HESAA. This change, for which Board approval is being requested, is included in Addendum No. 3.

Additionally, as discussed above, separate from Addendum No. 3 Board approval is being requested to formally increase the authorized funding for previously billed HESAA Administrative Fees paid by NJSDA related to the 2016-2017, 2017-2018 and 2018-2019 academic school years, as follows:

Academic Year	\$ Increase
2016-2017	\$11,622.58
2017-2018	\$9,228.54
2018-2019	\$9,593.41
Total	\$30,444.53

Members of the Authority
MOU Between NJSDA and HESAA
November 6, 2019

On June 5, 2013, the Board initially allocated \$550,000.00 (\$500,000.00 to be awarded in scholarships to eligible students and up to \$50,000.00 for HESAA Administrative Fees) for the first year of the NJ-GIVS program; however, since actual expenditures in year one of the scholarship program were significantly below the \$550,000.00, the Authority transferred the unused balance to year two of the program, and then did the same in year three of the program as an unused balance still remained.

On July 6, 2016, upon recommendation by the Audit Committee, the Board approved a three-year extension of the program from May 1, 2016 to May 1, 2019 with an annual budget for an amount not to exceed \$250,000.00 (\$227,300.00 that could be awarded in scholarships to eligible students and up to \$22,700.00 for HESAA Administrative Fees).

On June 5, 2019, upon recommendation by the Audit Committee, the Board approved a three-year extension of the program from May 1, 2019 to May 1, 2022 with an annual budget for an amount not to exceed \$250,000.00 (\$227,300.00 that could be awarded in scholarships to eligible students and up to \$22,700.00 for HESAA Administrative Fees).

Since July 2, 2013, HESAA has invoiced the Authority a total of approximately \$1,321,230 for the scholarship program, including \$142,318 for HESAA administrative fees. NJSDA and HESAA together have awarded scholarships to over 650 students, which has furthered their education across various institutions of higher education throughout the state.

NJ-GIVS PROGRAM

NJ-GIVS fills a void in state financial aid programs by making scholarships available to women and minority students pursuing non-degree certificate programs in construction/engineering related industries. Prior to the implementation of NJ-GIVS, state student financial aid programs only provided grants and scholarships to students in matriculated Associate or Baccalaureate degree programs.

Women and minority students from all counties and municipalities in New Jersey are eligible to receive a NJ-GIVS scholarship. Consistent with other HESAA residency requirements, students must be bona fide New Jersey residents for a period of at least 12 months. Students admitted to an approved institutional program must apply directly to HESAA for the scholarship. HESAA awards the funds to eligible students on a "first come first served" basis.

A scholarship covers the cost of tuition up to \$2,000 per year less any federal financial aid the student is eligible to receive. The scholarship is renewable for one year. All scholarship awards are made to the institutions. The institutions, in turn, credit the students' accounts. No funds are disbursed directly to students.

HESAA

Like SDA, HESAA is an independent state authority. HESAA is charged with administering the state's higher education need-based grants and merit scholarships. Annually, HESAA distributes over \$330 million to over 70,000 students attending New Jersey colleges or universities. HESAA administers the Tuition Aid Grant (TAG) program, the nation's most generous need-based undergraduate aid program; the part-time TAG for County College Students Program; the NJ STARS program; and the NJ STARS II program. Additionally, HESAA has bonding authority and annually sells bonds to finance the New Jersey College Loans to Assist State Students (NJCLASS) program. Along with the state programs, HESAA has

The Members of the Authority
MOU between NJSDA and HESAA
November 6, 2019

contracts with the U.S. Department of Education to administer a number of federal student aid programs including, but not limited to, the Federal Family Education Loan Program and the John R. Justice Loan Redemption Program. In addition to administering financial aid programs, HESAA also has regulatory oversight over the college and university financial aid offices and conducts audits of those offices' functions to make certain the expenditure of funds comports with all statutory and regulatory requirements.

RECOMMENDATION

The Members of the Authority are requested to approve Addendum No. 3 to the Memorandum of Understanding between the New Jersey Schools Development Authority and the New Jersey Higher Education Student Assistance Authority. A draft copy of the proposed addendum is included as Attachment A.

Additionally, the Members of the Authority are requested to approve the additional funds required to cover all excess HESAA Administrative Fees billed for the 2016-2017, 2017-2018 and 2018-2019 academic school years. The total amount of additional funds required is \$30,444.53.

In accordance with the Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, any amendment (including amendments to MOUs/MOAs) which exceeds \$100,000 or 10% of the contract value requires approval by the Members of the Authority. Although this amendment does not exceed \$100,000 or 10% of the contract value, management is nonetheless seeking Board approval since the Operating Authority requires Board approval of all MOUs/MOAs.

Prepared by: Donald Guarriello, Vice President & Chief Financial Officer

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY AND THE
NEW JERSEY HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY
ADDENDUM NO. 3**

This serves to amend the terms and conditions of the Memorandum of Understanding (“MOU”) dated July 31, 2013 made by and between the New Jersey Schools Development Authority (“SDA”) and the New Jersey Higher Education Student Assistance Authority (“HESAA”), which sets forth the understanding of the parties with respect to the funding and administration of the Governor’s Industry Vocations Scholarship (“NJ-GIVS”) Program. Pursuant to the MOU, HESAA administers the NJ-GIVS Program, including the award and disbursement of scholarships, and SDA funds the scholarships and reimburses HESAA for the costs associated with administration of the NJ-GIVS Program, both of which are subject to the limits delineated in the MOU.

The MOU between SDA and HESAA has been extended twice through successive amendments, with the previous amendment, dated July 19, 2019, extending the term for an additional three years from May 1, 2019 through May 1, 2022. SDA and HESAA now agree to modify the MOU through this Addendum. Except as modified by this Addendum, all other terms and conditions of the MOU shall remain in full force and effect.

SDA and HESAA agree to revise the methodology and calculation for future reimbursable HESAA Administrative Fees, beginning with Administrative Fees billed for Academic Year 2019-2020, by replacing paragraph 4. of the SDA Responsibilities section of the MOU with the following:

SDA Responsibilities:

4. HESAA Administrative Fee – SDA agrees to reimburse HESAA for expenses associated with administering, implementing, and promoting the NJ-GIVS Program at a flat 10% rate applied to the amount of scholarships awarded during a particular academic year or semester. Such reimbursement application shall be submitted by HESAA concurrent with SDA’s funding of student scholarships.

In WITNESS WHEREOF, the parties have executed this Addendum to the Memorandum of Understanding on the dates set forth below.

Manuel Da Silva Interim Chief Executive Officer New Jersey Schools Development Authority	Date

David Socolow Executive Director New Jersey Higher Education Student Assistance Authority	Date

Resolution – 6a.

Addendum No.3 to the Memorandum of Understanding between SDA and the Higher Education Student Assistance Authority (HESAA)

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority approve the execution of or revisions to Memoranda of Understanding (MOU) between the SDA and other state agencies; and

WHEREAS, interagency cooperation is permitted by N.J.S.A. 52:14-1 et seq.; and

WHEREAS, on July 31, 2013, SDA entered into a MOU with the Higher Education Student Assistance Authority (HESAA) whereby the latter authority would administer the New Jersey Governor's Industry Vocations Scholarship Program (NJ-GIVS) funded by the SDA; and

WHEREAS, extensions to the MOU were subsequently approved by the SDA Board on July 6, 2016 and June 5, 2019; and

WHEREAS, HESAA invoices SDA for its costs of administering the NJ-GIVS program for each academic year; and

WHEREAS, for the reasons set forth in the memorandum presented to the Board on this date, management now is seeking Board approval of a change in the methodology used for calculating HESAA's administrative fees to a flat 10% rate applied to the amount of scholarships awarded during a particular academic year; and

WHEREAS, management is further recommending Board approval of Addendum No. 3, presented to the Board on this date, to formally increase the authorized funding for previously billed HESAA administrative fees paid by SDA to HESAA for academic years 2016-2017, 2017-2018 and 2018-2019; and

WHEREAS, the memorandum presented to the Board on this date sets forth the background of the HESAA and the NJ-GIVS scholarship program and a description of the current and proposed approaches to calculating administrative fees.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve Addendum No. 3 to the Memorandum of Understanding between the Schools Development Authority and the Higher Education Student Assistance Authority as presented to the Board on this date.

BE IT FURTHER RESOLVED, that the Members of the Authority also approve the proposed new methodology for calculating administrative fees as described in the memorandum presented to the Board on this date as a flat 10% rate applied to the amount of scholarships awarded during a particular academic year.

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, Addendum to the Memorandum of Understanding between the New Jersey
Schools Development and the Higher Education Student Assistance Authority, dated
November 6, 2019
Dated: November 6, 2019

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

**CONSTRUCTION MANAGEMENT SERVICES - KEANSBURG SCHOOL DISTRICT -
PORT MONMOUTH ROAD SCHOOL - ADDITION AND RENOVATION**



MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Director, Procurement

RE: District: Keansburg
School: Port Monmouth Road School
Description: Construction Management Services
Package No.: ET-0098-M01
Estimated Fee: \$1,431,000
Award: \$1,065,750
Contractor: Niram, Inc.

DATE: November 6, 2019

SUBJECT: Award for Construction Management Services

INTRODUCTION

I am writing to recommend approval by the Members of the Authority of the award of a contract for Construction Management (CM) Services. This contract is for services to manage the Port Monmouth Road School Addition and Renovation construction project in the Keansburg School District.

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

BACKGROUND

The Port Monmouth Road School Addition and Renovation Project will result in a School Facility of approximately 47,000 total square feet designed to educate 315 Pre-Kindergarten students. The school is comprised of three distinct areas identified as Wings A, B and C. Wings B and C are permanent building structures constructed in 1992 and 1968 respectively while Wing A is modular construction built in 1973. The Project includes abatement of hazardous materials; demolition of Wing A; renovation of approximately 18,930 square feet of the existing School Facility including classrooms, gross motor skills area and support facilities; construction of a single-story addition of approximately 27,580 square feet containing classrooms, a food service area, nurse's area, support facilities and connection to the renovated facility; selective facility conditions improvements including a new HVAC system, fire protection system, building envelope repairs and other systems upgrades; and site improvements including required outdoor physical education/play areas and flood prevention improvements.

We are separately seeking the Members' approval of the award for General Construction Services and the approval of the Final Project Charter.

Members of the Authority
 Package No. ET-0098-M01
 Keansburg-Port Monmouth Road School
 Construction Management Services
 November 6, 2019
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PROCUREMENT PROCESS

This procurement package for CM Services was advertised as a “Price and Other Factors” solicitation beginning on August 14, 2019 on the NJSDA website, NJ State website, and in selected newspapers for interested firms to participate in the bidding process. In addition, the advertisement was distributed to those firms that are pre-qualified in the area of Construction Management (P029) by both the Department of Treasury-Division of Property Management and Construction and the NJSDA. For this project procurement, price was weighted as 40% of the Final Combined Score, and all non-price other factors were weighted as 60% of the Final Combined Score.

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

Responsive proposals were received from thirteen (13) firms by September 17, 2019. Qualifications and Technical Proposals were evaluated by the Selection Committee. Evaluations were based upon the information provided by the firms in response to the RFQ/RFP for this project. The committee members evaluated the Qualifications and Technical Proposals for Construction Management Services separately based on the following criteria:

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

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

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

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

TABLE 1

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

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

TABLE 2

Firm	Final Qualifications and Technical Proposal Score	Qualifications and Technical Proposal Rank
GREYHAWK North America, LLC	75.500	1
Epic Management, Inc.	72.200	2
Remington & Vernick Engineers	67.300	3
Pinnacle Consulting & Construction Services, Inc.	62.300	4
Cambridge Construction Management, Inc.	56.400	5
Joseph Jingoli & Son, Inc.	55.300	6
Johnson, Mirmiran & Thompson, Inc.	51.100	7
Armand Corporation	49.200	8
ACB Consulting Services, LLC	48.700	9
STV Construction, Inc.	47.400	10
AFG Group, Inc.	43.900	11
McCloud Group, LLC (The)	43.200	12
Legacy Construction Management, Inc.	41.200	13

The RFQ/RFP stipulated that a shortlist of the six (6) highest-ranked firms would be determined based on the Final Qualifications and Technical Proposal Scores. The shortlisted firms participated in interviews with the Selection Committee on October 4, 2019. The interviews allowed the firms to expand and detail their firm and team experience with respect to NJSDA requirements for construction management services. The Selection Committee interviewed each of the shortlisted firms and evaluated each firm on Interview Criteria and Weighting Factors that were the same as those used in the evaluation of the Qualifications and Technical Proposals, as detailed above.

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

TABLE 3

Firm	Final Interview Score	Interview Rank
GREYHAWK North America, LLC	81.800	1
Pinnacle Consulting & Construction Services, Inc.	80.700	2
Epic Management, Inc.	78.000	3
Remington & Vernick Engineers	75.100	4
Joseph Jingoli & Son, Inc.	64.100	5
Cambridge Construction Management, Inc.	49.600	6

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

TABLE 4

Firm	Non-Price Score	Non-Price Rank
GREYHAWK North America, LLC	78.650	1
Epic Management, Inc.	75.100	2
Pinnacle Consulting & Construction Services, Inc.	71.500	3
Remington & Vernick Engineers	71.200	4
Joseph Jingoli & Son, Inc.	59.700	5
Cambridge Construction Management, Inc.	53.000	6

Once all the Non-Price Scores for all shortlisted firms were calculated, the NJSDA opened the sealed Price Proposals and reviewed them for responsiveness. The Price Proposals were publicly opened on October 9, 2019, and the bids were read aloud as required by law.

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

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

TABLE 5

Firm	Bid Price	Price Score	Price Rank
Pinnacle Consulting & Construction Services, Inc.	\$1,065,750.00	100.000	1
Epic Management, Inc.	\$1,267,000.00	81.117	2
Cambridge Construction Management, Inc.	\$1,356,360.00	72.732	3
GREYHAWK North America, LLC	\$1,388,700.00	69.697	4
Joseph Jingoli & Son, Inc.	\$1,419,200.00	66.836	5
Remington & Vernick Engineers	\$2,100,105.00	2.946	6

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

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TABLE 6

Firm	Raw Non-Price Score	Raw Price Score	Weighted Non-Price Score (60%)	Weighted Price Score (40%)	Final Combined Score	Final Rank
Pinnacle Consulting & Construction	71.5000	100.000	42.900	40.000	82.900	1
Epic Management	75.1000	81.117	45.060	32.447	77.507	2
GREYHAWK North America	78.6500	69.697	47.190	27.879	75.069	3
Joseph Jingoli & Son	59.7000	66.836	35.820	26.734	62.554	4
Cambridge Construction Management	53.0000	72.732	31.800	29.093	60.893	5
Remington & Vernick Engineers	71.2000	2.946	42.720	1.178	43.898	6

The highest ranked firm was Pinnacle Consulting & Construction Services, Inc. (Pinnacle).

The bid submitted by Pinnacle was less than the NJSDA estimate. In order to ensure the firm's Price Proposal was inclusive of all scope elements, a conference was conducted on October 15, 2019 with Pinnacle and staff from Procurement, Construction Operations, Program Operations and Financial Operations to review the bid. At the time of the review, Pinnacle confirmed that its Price Proposal is inclusive of all scope elements contained in the Contract Documents.

The Construction Operations Director and the Financial Operations Director recommend award of the project to Pinnacle Consulting & Construction Services, Inc.

RECOMMENDATION

The Members of the Authority are requested to approve the award of a contract to the firm with the highest Final Combined Score, Pinnacle Consulting & Construction Services, Inc., in the amount of \$1,065,750 for Construction Management Services for the Port Monmouth Road School Addition and Renovation project located in the Keansburg School District.

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

/s/ Sean Murphy
 Sean Murphy, Director – Procurement

Reviewed and Recommended by: Manuel Da Silva, Interim Chief Executive Officer
 Reviewed and Recommended by: Andrew Yosha, Vice President, Program Operations and Strategic Planning
 Reviewed and Recommended by: Donald Guarriello, Vice President and Chief Financial Officer
 Reviewed and Recommended by: Gregory Voronov, Managing Director, Planning and Program Operations
 Reviewed and Recommended by: Robert Carney, Director, Financial Operations
 Reviewed and Recommended by: Andrew Oakley, Program Director, Construction Operations
 Prepared and Recommended by: Katherine Gallo, Deputy Program Director, Construction Operations

Resolution—7a.

Construction Manager Award

District:	Keansburg
School:	Port Monmouth Road School
Description:	Construction Management Services
Package No.:	ET-0098-M01
Estimated Fee:	\$1,431,000
Award:	\$1,065,750
Contractor:	Niram, Inc.

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Resolution

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

WHEREAS, the Port Monmouth Road School addition and renovation project (Project) will result in a school facility of approximately 47,000 total square feet designed to educate 315 Pre-Kindergarten students; and

WHEREAS, the school is comprised of three distinct areas identified as Wings A, B and C and the Project includes the abatement of hazardous materials, demolition, renovation and construction work, along with selective facility conditions, flood prevention and site improvements as fully described in the memorandum presented to the Board on this date; and

WHEREAS, on August 14, 2019, a package for construction management (CM) services was advertised as a “price and other factors” procurement with price weighted as 40% and all non-price factors having a combined weight of 60% of the final combined score; and

WHEREAS, upon completion of the procurement process, the construction operations director and financial operations director recommend award of the CM services contract in the amount of \$1,065,750 to Pinnacle Consulting & Construction Services, Inc. (Pinnacle) for the Project; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the award of a contract to the firm with the highest final combined score, Pinnacle Consulting & Construction Services, Inc., in the amount of \$1,065,750 for construction management services for the Port Monmouth Road School addition and renovation project in the Keansburg School District.

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

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

Attached: Memorandum, Construction Manager Award, (Package No. ET-0098-M01), Keansburg School District, Port Monmouth Road School, dated November 6, 2019

Dated: November 6, 2019

**AWARD OF CONSTRUCTION CONTRACT AND APPROVAL OF FINAL PROJECT
CHARTER - KEANSBURG SCHOOL DISTRICT - PORT MONMOUTH ROAD
SCHOOL**



1 WEST STATE STREET
P.O. BOX 991
TRENTON, NJ 08625-0991
609-943-5955

MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Director, Procurement

Andrew Oakley
Program Director, Construction Operations

RE: District: Keansburg
School: Port Monmouth Road School
Description: General Construction
Package No.: ET-0098-C01
CCE: \$20,515,000
Advertised CCE Range: \$18,000,000 to \$22,000,000
Award: \$18,645,000
CM: Pinnacle Consulting & Construction Services, Inc.

DATE: November 6, 2019

SUBJECT: Award of Construction Contract and Approval of Final Project Charter

INTRODUCTION

We are writing to recommend approval by the Members of the Authority of the award of a contract in the amount of \$18,645,000 to Niram, Inc.¹ for construction services for the Port Monmouth Road School project in the Keansburg School District. Before construction initiates, the awardee is required to perform a constructability review to identify any potential conflicts and their resulting cost impact.

We are also recommending approval by the Members of the attached Final Project Charter representing the project budget inclusive of dollar values for the award of construction, as well as a construction contingency which is intended to address, but is not limited to, any potential cost impacts which may be identified during the constructability review.

Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, Board approval is required for the award of construction contracts greater than \$500,000 and for the approval of the Final Project Charter.

BACKGROUND

The Port Monmouth Road School Addition and Renovation Project will result in a School Facility of approximately 47,000 total square feet designed to educate 315 Pre-Kindergarten students. The school is comprised of three distinct areas identified as Wings A, B and C. Wings B and C are permanent building structures constructed in 1992 and 1968 respectively while Wing A is modular construction built in 1973. The Project includes abatement of hazardous materials; demolition of Wing A; renovation of approximately 18,930 square feet of the existing School Facility including classrooms, gross motor skills area and support facilities; construction of a single-story addition

¹ Niram listed the following subcontractors for the required trades in its Price Proposal: Preferred Mechanical, Inc. (HVAC), Altec Electrical Corp. T/A Altec Building Systems Corp. (Electrical), Three G's Plumbing & Heating, Inc. (Plumbing), and B&B Iron Works, Inc. (Structural Steel & Ornamental Iron).

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of approximately 27,580 square feet containing classrooms, a food service area, nurse's area, support facilities and connection to the renovated facility; selective facility conditions improvements including a new HVAC system, fire protection system, building envelope repairs and other systems upgrades; and site improvements including required outdoor physical education/play areas and flood prevention improvements.

In the August 2017 memo to the Board approving the Preliminary Charter for this project a portion of the project scope identified the need for District-owned modular units to continue serving as temporary educational facilities for the Port Monmouth Road school students. Some of those modular units are located on NJSDA-owned property that will be converted to parking area for the completed Caruso E.S. project at the conclusion of the Port Monmouth Road School Project. For these project scope phasing reasons, the Final Project Charter for the Port Monmouth Road School includes the scope and costs associated with this work which will be advertised and awarded under a separate contract near the completion of this project.

We are separately seeking the Members' approval of the award for Construction Management Services.

PROCUREMENT PROCESS

This package was advertised as a "Price and Other Factors" solicitation beginning on June 24, 2019 on the NJSDA website, NJ State website, and in selected newspapers for interested firms to participate in the bidding process. For this procurement, "Price" was weighted as more important than all "Other Factors," with price equaling 70% of the overall weight, and all non-price factors having a combined weight of 30%.

Interested bidders were required to attend the mandatory pre-bid conference held on July 9, 2019.

In accordance with regulations, the NJSDA employed a two-step process for this procurement. The first step required interested bidders to submit a Project Rating Proposal, which was used by the NJSDA to determine each bidder's Project Rating Limit, or maximum amount that a bidder may bid, for the project. Project Rating Proposals were received by July 23, 2019. Bidders were evaluated based on the largest of four projects completed in the past ten years, safety records as well as reference checks. Based on evaluation of the information submitted, eight (8) bidders received a Project Rating Limit.

The Project Rating Limits resulting from the Project Rating Evaluations are listed in Table 1 below:

TABLE 1

Contractor	Project Rating Limit
Brockwell & Carrington Contractors, Inc.	\$ 73,518,931
Dobco, Inc.	\$165,053,800
Epic Management, Inc.	\$254,540,000
Ernest Bock & Sons, Inc.	\$160,454,097
Gilbane Building Company	\$106,920,448
Niram, Inc.	\$ 30,625,045
Paul Otto Building Company, Inc.	\$ 32,235,449
Terminal Construction Corporation	\$201,763,926

The second step of the process required the bidders to simultaneously submit a Technical Proposal and a sealed Price Proposal. In advance of submission of Technical and Price Proposals, Bidders were permitted to submit questions seeking clarification of the procurement documents, until August 9, 2019. Addenda responses to Bidder

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Questions were issued to the bidders on August 19, August 28 and September 6, 2019.

Technical and Price Proposals were received on September 18, 2019 from four (4) bidders. As described in the RFP, the Technical Proposal submission consists of two separate portions for evaluation by two distinct committees as follows:

1. The “Experience Criteria” portion of the Technical Proposal submission was evaluated by an Evaluation Committee comprised of three (3) NJSDA staff members. The Evaluation Committee was responsible for collectively evaluating the “Experience Criteria” on a non-numeric basis and determining, on a consensus basis, whether a bidder had demonstrated sufficient experience in the following “Experience Criteria” categories:
 - Bidder’s Experience on Similarly Sophisticated Projects
 - Bidder’s Demonstrated Prior Affirmative Action Experience
2. The “Project Approach Criteria” portion of the Technical Proposal submission was evaluated by a Selection Committee, comprised of five (5) NJSDA staff members and one (1) Keansburg School District representative. The Selection Committee was responsible for independently evaluating and scoring each bidder in each of the following “Project Approach Criteria” categories:
 - Approach to the Project
 - Identification and Qualifications of Required Key Team Members
 - Approach to the Constructability Review
 - Approach to the Schedule

“Evaluation Committee” Review

The Evaluation Committee determined that each of the bidders demonstrated sufficient experience in the “Experience Criteria” categories to be considered for award.

“Selection Committee” Review

The Selection Committee members conducted interviews with each of the bidders at NJSDA offices in Trenton on October 1, 2019 affording committee members an opportunity to obtain any additional information from each bidder team as needed to complete their evaluations of the “Project Approach Criteria” portion of the Technical Proposal.

Each Selection Committee member evaluated the “Project Approach Criteria” portion of each Technical Proposal, assigning a raw score for each category on a scale of 0 to 10 as follows:

- 9 - 10 points - outstanding response - offers significant advantages.
- 7 - 8 points - superior response - exceeds requirements with no deficiencies.
- 5 - 6 points - sufficient response - meets the requirements with no significant deficiencies.
- 3 - 4 points - minimal response - meets the requirements but contains some significant deficiencies.
- 1 - 2 points - marginal response - comprehends requirements, but contains many significant deficiencies.
- 0 points - unsatisfactory response - requirements not addressed and lack of detail precludes adequate evaluation.

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Weighting factors were then applied to each of the Selection Committee member's raw scores for each "Project Approach Criteria" category to arrive at a total weighted score as follows in Table 2 below:

TABLE 2

Project Approach Criteria Evaluation Category	Weighting Factor (Applied to Raw Score)	Maximum Weighted Points
Approach to the Project	3.5	35
Identification and Qualifications of Required Key Team Members	2.5	25
Approach to the Constructability Review	2.0	20
Approach to the Schedule	2.0	20
Total Possible Points		100

For each Technical Proposal, the individual "Project Approach Criteria" category scores awarded by a particular Selection Committee member were added together to calculate a total non-price score for that Technical Proposal. The maximum total non-price score is 100. All of the total non-price scores awarded to a Technical Proposal by the Selection Committee members were added together and averaged to arrive at a final non-price score for each Technical Proposal.

The results of the Selection Committee's review and scoring of the "Project Approach Criteria" portion of each Technical Proposal are listed in Table 3 below:

TABLE 3

Contractor	Non-Price Score	Non-Price Rank
Ernest Bock & Sons, Inc.	70.750	1
Niram, Inc.	69.667	2
Terminal Construction Corporation	63.000	3
Brockwell & Carrington Contractors, Inc.	60.833	4

Sealed Price Proposals

Once all the Technical Proposals were scored pursuant to the "Project Approach Criteria", the sealed Price Proposals were publicly opened on October 3, 2019 in accordance with the RFP and the bids were read aloud as required by law.

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

The results of the NJSDA's review and scoring of the Price Proposals are listed in Table 4 below:

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TABLE 4

Contractor	Bid Amount	Price Score	Price Rank
Niram, Inc.	\$18,645,000	100.000	1
Terminal Construction Corporation	\$19,000,000	98.096	2
Ernest Bock & Sons, Inc.	\$20,855,000	88.147	3
Brockwell & Carrington Contractors, Inc.	\$29,629,000 ²	41.089	4

As stipulated in the RFP, each Bid Amount is inclusive of NJSDA-established Allowances totaling \$1,215,000, as follows: \$250,000 for Constructability Review; \$520,000 for Impacted and Unsuitable Materials; \$100,000 for Hazardous Materials and Related Activities; \$145,000 for Emergency Responder Radio System; \$100,000 for Subsurface Conditions; and \$100,000 for Security Systems Upgrade.

Final Combined Scores and Final Rankings

After the Price Scores were determined for all bidders, the Price Scores were adjusted by a weighting factor of 70%. The Non-Price Scores for “Other Factors” criteria were adjusted by a weighting factor of 30%. The weighted Price Score and weighted Non-Price Score for each bidder were added together for a Final Combined Score. The maximum Final Combined Score is 100. The Final Combined Scores and Final Rankings are listed in Table 5 below:

TABLE 5

Contractor	Raw Non-Price Score	Raw Price Score	Weighted Non-Price Score (30%)	Weighted Price Score (70%)	Final Combined Score	Final Rank
Niram, Inc.	69.667	100.000	20.900	70.000	90.900	1
Terminal Construction Corp.	63.000	98.096	18.900	68.667	87.567	2
Ernest Bock & Sons, Inc.	70.750	88.147	21.225	61.703	82.928	3
Brockwell & Carrington Contr.	60.833	41.089	18.250	28.762	47.012	4

The highest ranked bidder was Niram, Inc.

Highest Ranked Bidder’s Price Proposal

The bid submitted by Niram was less than the CCE but was within the advertised CCE range. In order to understand the differential between the CCE and the bid price and to ensure the contractor’s price proposal was inclusive of all

² The NJSDA’s Price Proposal form requires bidders to represent their Total Bid Amount in both words and figures. Brockwell & Carrington’s (“B&C’s”) Price Proposal submission indicated “Twenty Nine Million Six Hundred Twenty Nine Thousand” in words and \$21,629,000 in figures. Section E.3 of the Price Proposal form states: “In case of a discrepancy between the amount shown in words and the amount shown in figures, the amount shown in words shall govern.” Therefore, the NJSDA recorded B&C’s Total Bid Amount as \$29,629,000. If the NJSDA had recorded B&C’s Total Bid Amount as \$21,629,000, the Rankings as indicated in Tables 4 and 5 would have remained unchanged.

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scope elements, a conference was conducted on October 10, 2019 with Niram and staff from Procurement, Construction Operations, Program Operations, Design Studio and Financial Operations to review the bid. The discussion verified that Niram had included all project scope work in its bid and identified that variances between the NJSDA's CCE and Niram's price proposal are mostly associated with lower than NJSDA-estimated costs in the HVAC discipline and higher than NJSDA-estimated costs in the Electrical discipline. At the time of review, Niram confirmed that its price proposal is inclusive of all scope elements contained in the Contract Documents.

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

FINAL PROJECT CHARTER

The attached Final Project Charter represents the project budget inclusive of actual dollar values for the award of the General Construction contract, current estimates for all future scope elements such as FF&E and technology, and appropriate contingencies. Additionally, the budget is inclusive of costs incurred related to NJSDA Staff costs for both Design and Project Management. The Final Project Charter budget of \$28.4 million represents an increase of approximately \$2.5 million from the Board-approved Preliminary Project Charter due to increased construction costs based upon the award value for the general contractor which exceed the value that was estimated within the Preliminary Project Charter. The values estimated within the Preliminary Project Charter were based upon estimated costs for the proposed project scope at the time of completion of schematic design in August 2017. The increased cost is reflective of the fully developed project scope defined within the final design documents for the project. The construction award also includes approximately \$1.0 million in allowances that had not yet been identified at the time of approval of the Preliminary Project Charter.

RECOMMENDATION

The Members of the Authority are requested to approve the award of a contract to the highest ranked bidder, Niram, Inc., for Contract No. ET-0098-C01 in the amount of \$18,645,000 inclusive of NJSDA-established Allowances totaling \$1,215,000. Prior to execution of the contract, the contract and related documentation will be reviewed and approved by the NJSDA Division of Chief Counsel.

The Members of the Authority are also requested to approve the attached Final Project Charter representing all expended and projected funds necessary for completion of the project.

/s/ Sean Murphy
 Sean Murphy, Director - Procurement

/s/ Andrew Oakley
 Andrew Oakley, Program Director, Construction Operations

Reviewed and Recommended by: Manuel Da Silva, Interim Chief Executive Officer
 Reviewed and Recommended by: Andrew Yosha, Vice President, Program Operations and Strategic Planning
 Reviewed and Recommended by: Donald Guarriello, Vice President and Chief Financial Officer
 Reviewed and Recommended by: Gregory Voronov, Managing Director, Planning and Program Operations
 Reviewed and Recommended by: Robert Carney, Director, Financial Operations
 Reviewed and Recommended by: Katherine Gallo, Deputy Program Director, Construction Operations

New Jersey Schools Development Authority Project Charter - Summary

Charter Date

11/06/19

**Supersedes
Charter Dated**

08/02/17

Region: Southern
District: Keansburg
Project Name: Port Monmouth Road ES
School Type: Elementary School
DOE # / Project #: 2400-040-13-0AED
Project Type (New/Add/Reno): Add/Reno
Project Location: Keansburg, NJ
Number of Students: 315
Land Acquisition Required? Yes No
Temporary Space Required? Yes No

Funding Source

2012 Capital Plan

Funding Allocated

\$25,890,603

District Local Share

\$0.00

Project Budget: \$ 28,440,130

Anticipated Substantial Completion Date 04/21/22

Anticipated School Occupancy Date Sep-22

Project Team Leader: Andrew Oakley

Project Initiation Date: March-12

SDA Board - Project Charter Approval Date: 11/06/19

Charter Version and Date		Project Summary	
<input type="checkbox"/> Planning	12/07/16	Addition and Renovation to the Port Monmouth Road School to educate 315 Pre-K students including a single story addition containing classrooms, food service, nurse's area, support facilities and connection to the renovated facility; renovation of the existing school facility to include classrooms, gross motor skills area and support facilities, selective facility conditions improvements including a new HVAC system, fire protection system, building envelope repairs, and other systems upgrades; site improvements including required outdoor Physical Education/play areas and flood prevention improvements. Funding is included for the conversion of an SDA-owned site into parking for the Caruso Elementary School.	
<input type="checkbox"/> Preliminary	08/02/17		
<input checked="" type="checkbox"/> Final	11/06/19		
Purpose for Advancement of Current/Revised Project Charter			
Revision # and Date		Approval of the Final Project Charter inclusive of budget and schedule for the project based upon the award for the General Construction Contract.	
<input type="checkbox"/> One			
<input type="checkbox"/> Two			
<input type="checkbox"/> Three			
District Project Goals			
<input type="checkbox"/> Four			In conjunction with the new Joseph Caruso ES Project, address overcrowding in grades Pre-K to 4.
<input type="checkbox"/> Five			
<input type="checkbox"/> Six			

Recommendation

Program Director - Construction Operatio _____ Date _____
 Andrew Oakley _____

Managing Director - Prog Ops & Planning _____ Date _____
 Gregory Voronov _____

Vice President - Construction Operations _____ Date _____

VP - Prog. Ops. and Strategic Planning _____ Date _____
 Andrew Yosha _____

Approval

Interim Chief Executive Officer _____ Date _____
 Manuel Da Silva _____

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**New Jersey Schools Development Authority
Project Charter - Milestones & Delivery Method**

Charter Date
11/06/19

District / Project Name:	Keansburg / Port Monmouth Road ES
DOE # / Project #:	2400-040-13-0AED

Project Milestones	Date
School Occupancy Date	Sep-22

DELIVERY METHOD	Design/Bid/Build
------------------------	-------------------------

<u>Real Estate Services</u>	<u>Start</u>	<u>Est.</u>	<u>Act.</u>	<u>Finish</u>	<u>Est.</u>	<u>Act.</u>
Feasibility	Jun-12	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Oct-12	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Investigations	N/A	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Site Acquisition	N/A	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Relocation	N/A	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Demolition	N/A	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Remediation	N/A	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Deed Restriction Required?	No	Date				
District Notified?	N/A		<input type="checkbox"/>	<input type="checkbox"/>		
Classification Exception Area?	Unknown					
District Notified?			<input type="checkbox"/>	<input type="checkbox"/>		

Special Considerations

<u>Design:</u>	<u>Date</u>	<u>Est.</u>	<u>Act.</u>		<u>Est.</u>	<u>Act.</u>
Design Start (NTP)	03/09/16	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Design Restart (if applicable)		<input type="checkbox"/>	<input type="checkbox"/>			
	Start	Est.	Act.	Finish	Est.	Act.
Program Concept Phase	03/09/16	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/07/16	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schematic Design Phase	12/23/16	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/02/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Design Development Phase	06/15/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10/04/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction Documents Phase	10/05/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>	02/01/19	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DCA Review	01/25/19	<input type="checkbox"/>	<input checked="" type="checkbox"/>	09/19/19	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bid and Award	06/24/19	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/19/19	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Special Considerations

<u>Construction:</u>	<u>Date</u>	<u>Est.</u>	<u>Act.</u>
Construction Start (NTP)	12/20/19	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Substantial Completion (TCO)	04/21/22	<input checked="" type="checkbox"/>	<input type="checkbox"/>
School Occupancy Date	Sep-22	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Title Transfer	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Final Completion (C of O)	07/18/22	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Post Occupancy Walk Through	03/17/23	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Project Close-Out	04/14/23	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Special Considerations

Construction Start (NTP) represents the anticipated issuance of the NTP to initiate the Constructability Review. An Authorization-to-Proceed with construction to the General Contractor upon completion of the Constructability Review is anticipated for Jul. 2020.

New Jersey Schools Development Authority Project Charter - Project Budget		Charter Date
		11/06/19
District / Project Name:	Keansburg / Port Monmouth Road ES	
DOE # / Project #:	2400-040-13-0AED	
2012 Capital Plan Funding Allocation	\$	25,890,603
Special Considerations:		
<p>The project budget is based upon the award amount for the General Construction engagement, current commitments for all existing contracts and estimated costs for future scope elements. The project budget is inclusive of all prior expenditures including Design Services performed by LAN. The General Construction engagement includes allowances totaling \$1,215,000, as follows: \$250,000 for Constructability Review; \$520,000 for Impacted and Unsuitable Materials; \$100,000 for Hazardous Materials and Related Activities; \$145,000 for Emergency Responder Radio System; \$100,000 for Subsurface Conditions; and \$100,000 for Security Systems Upgrade. This Charter includes funding for the removal of District-owned modular units serving as temporary educational facilities for the Port Monmouth Road school students located on NJSDA-owned property that will be converted to parking area for the completed Caruso E.S. project at the conclusion of the Port Monmouth Road School Project.</p>		
Project Budget:		
Gross Building Area (GSF):		Grossing Factor:
Addition	27,580	1.48
Renovation	18,930	
Total Gross Building Area (GSF):	46,510	
Estimated Building Cost / GSF		
New Construction Cost/GSF	\$347.00	
Renovation Cost/GSF	\$234.00	
Construction Costs		
Addition Costs	\$9,556,790	
Renovation Costs	\$4,427,910	
Site Costs	\$2,485,060	
Demolition	\$960,240	
Allowances	\$1,215,000	
TCU Removal and Site Improvements	\$650,000	
Cost Escalation 0 months at 5 % per year	\$0	
Design Contingency	\$0	
Construction Contingency	\$1,900,000	
Total Construction Costs	\$21,195,000	
Pre-Development Costs:		
Consultant Services	\$271,130	
Early Site Package (Demolition/Remediation)	\$0	
Land Acquisition	\$0	
Relocation	\$0	
Property Maintenance/Carry Costs	\$0	
Total Pre-Development Costs	\$271,130	
Other Costs: %		
Design	\$2,400,000	
Project Management (SDA Staff)	\$1,450,000	
PMF/CM	\$1,200,000	
FF&E	\$800,000	
Technology	\$800,000	
Commissioning	\$0	
Temporary Space	\$0	
Other Costs	\$324,000	
Total Other Costs	\$6,974,000	
Other Funding Sources		
Rebates & Refunds	\$0	
District Local Share Funds	\$0	
Total Other Funding Sources	\$0	
Total Project Budget	\$28,440,130	
Funding from Prior Allocation	\$0	
Funding from 2012 Capital Plan	\$28,440,130	

**New Jersey Schools Development Authority
Project Charter - Budget Variance**

Charter Date

11/06/19

District / Project Name: Keansburg / Port Monmouth Road ES
DOE # / Project #: 2400-040-13-0AED

Project Budget:

	Preliminary Charter 8/2/17	Current Budget	VARIANCE Fav/(Unfav)
Grossing Factor:	1.48	1.48	0.00
Gross Building Area (GSF):			
Addition	27,580	27,580	0
Renovation	18,930	18,930	0
Total Gross Area (GSF):	46,510	46,510	0
Construction Costs			
Addition Costs	\$8,593,680	\$9,556,790	(\$963,110)
Renovation Costs	\$5,564,420	\$4,427,910	\$1,136,510
Site Costs	\$933,310	\$2,485,060	(\$1,551,750)
Demolition	\$550,440	\$960,240	(\$409,800)
Allowances	\$250,000	\$1,215,000	(\$965,000)
TCU Removal & Site Improvements	\$471,000	\$650,000	(\$179,000)
Cost Escalation	\$0	\$0	\$0
Design Contingency	\$1,632,205	\$0	\$541,558
Construction Contingency	\$809,353	\$1,900,000	
Total Construction Costs	\$18,804,408	\$21,195,000	(\$2,390,592)
Pre-Development Costs:			
Consultant Services	\$271,130	\$271,130	\$0
Early Site Package (Demolition/Remediation)	\$0	\$0	\$0
Land Acquisition	\$0	\$0	\$0
Relocation	\$0	\$0	\$0
Property Maintenance/Carry Costs	\$0	\$0	\$0
Total Pre-Development Costs	\$271,130	\$271,130	\$0
Other Costs:			
Design Services	\$2,141,065	\$2,400,000	(\$258,935)
Project Management (SDA Staff)	\$1,450,000	\$1,450,000	\$0
PMF/CM	\$1,300,000	\$1,200,000	\$100,000
FF&E	\$800,000	\$800,000	\$0
Technology	\$800,000	\$800,000	\$0
Commissioning	\$0	\$0	\$0
Temporary Space	\$0	\$0	\$0
Other Costs	\$324,000	\$324,000	\$0
Total Other Costs	\$6,815,065	\$6,974,000	(\$158,935)
Other Funding Sources			
Rebates & Refunds	\$0	\$0	\$0
District Local Share Funds	\$0	\$0	\$0
Total Other Funding Sources	\$0	\$0	\$0
Total Project Budget	\$25,890,603	\$28,440,130	(\$2,549,527)
Funding from Prior Allocation	\$0	\$0	\$0
Funding from 2012 Capital Plan	\$25,890,603	\$28,440,130	(\$2,549,527)

Budget Variance Analysis:

The project budget represents an increase of approximately \$2.5 million from the Board approved Preliminary Project Charter due to increased construction costs based upon the award value for the general contractor. The values estimated within the Preliminary Project Charter were based upon estimated costs for the proposed project scope at the time of completion of schematic design in August 2017. The increased cost is reflective of the fully developed project scope defined within the final design documents for the project. The construction award also includes \$965,000 in allowances that had not yet been identified at the time of approval of the Preliminary Project Charter.

Schedule Variance Analysis:

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Resolution–7b.

Award of Construction Contract and Approval of Final Project Charter

District:	Keansburg
School:	Port Monmouth Road School
Description:	General Construction
Package No.:	ET-0098-C01
CCE:	\$20,515,000
Advertised CCE Range:	\$18,000,000 to \$22,000,000
Award:	\$18,645,000
CM:	Pinnacle Consulting & Construction Services, Inc.

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority approve the award of construction contracts greater than \$500,000 as well as final project charters; and

WHEREAS, the Port Monmouth Road School addition and renovation project (Project) in the Keansburg School District will result in a school facility of approximately 47,000 total square feet designed to educate 315 Pre-Kindergarten students; and

WHEREAS, the school is comprised of three distinct areas identified as wings A, B and C and the Project includes the abatement of hazardous materials, demolition, renovation and construction work, along with selective facility conditions, flood prevention and site improvements as fully described in the memorandum presented to the Board on this date; and

WHEREAS, management is seeking Board approval to award a contract for construction services for the Project; and

WHEREAS, a package for construction services was advertised as a “price and other factors” solicitation beginning on June 24, 2019; and

WHEREAS, for this procurement, “price” was weighted as more important than all “other factors,” with price equaling 70% of the overall weight, and all non-price factors having a combined weight of 30%; and

WHEREAS, the project background, a description of the procurement process followed and the particulars of the final project charter are set forth in detail in the memorandum presented to the Board on this date and incorporated herein; and

WHEREAS, upon completion of the procurement process for construction services, the construction operations director and the financial operations director recommend that the Members of the Authority authorize and approve the award of a contract in the amount of \$18,645,000 to Niram, Inc. (Niram) for construction services for the Project, inclusive of SDA-established allowances totaling \$1,215,000, with Niram required to perform a constructability review prior to initiation of construction to identify any potential conflicts and their resulting cost impacts; and

WHEREAS, management further recommends Board approval of the Project's final charter representing the project budget inclusive of dollar values for the award of construction, as well as a construction contingency which is intended to address, but is not limited to, any potential cost impacts which may be identified during the constructability review; and

WHEREAS, at the time of review, Niram confirmed that its price proposal is inclusive of all scope elements contained in the contract documents; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the award of a contract to the highest ranked bidder, Niram, Inc., for Contract No. ET-0098-C01 in the amount of \$18,645,000, inclusive of SDA-established allowances totaling \$1,215,000.

BE IT FURTHER RESOLVED, that the Members of the Authority also approve the final project charter as presented to the Board on this date and representing all expended and projected funds necessary for completion of the project.

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

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

Attached: Memorandum, Award of Construction Contract and Approval of Final Project Charter,
Port Monmouth Road School, (Package No. ET-0098-C01), Keansburg School
District, dated November 6, 2019

Dated: November 6, 2019

**DESIGN-BUILD AWARD AND APPROVAL OF FINAL PROJECT CHARTER- PERTH
AMBOY PUBLIC SCHOOLS DISTRICT - NEW PERTH AMBOY HIGH SCHOOL**



STATE OF NEW JERSEY

SCHOOLS DEVELOPMENT AUTHORITY

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

TO: Members of the Authority

FROM: Sean Murphy
Director, Procurement

Corrado Minervini
Program Director, Construction Operations

Joseph Lucarelli
Program Director, Construction Operations

RE: District: Perth Amboy Public Schools
School: New Perth Amboy High School
Description: Design-Build
Package No.: ET-0099-B01
CCE: \$221,100,000
Advertised CCE Range: \$210,000,000 to \$230,000,000
Award: \$247,950,000
CM: TBD

DATE: November 6, 2019

SUBJECT: Design-Build Award and Approval of Final Project Charter

INTRODUCTION

We are writing to recommend approval by the Members of the Authority of the award of a contract in the amount of \$247,950,000 to Terminal Construction Corporation / Dinallo Construction Corporation (JV) (Terminal/Dinallo JV)¹ for Design-Build services for the New Perth Amboy High School in the Perth Amboy Public School District.

The Design-Build Team will complete the design of the New Perth Amboy High School facility utilizing NJSDA-developed schematic design documents and will also provide construction and construction administration services, including securing of all required permits and approvals, for construction of a new high school for grades 9 through 12. The form of contract for this engagement is a Design-Build contract with the general contractor as the lead and with relevant trades and design disciplines serving in sub-contractor and sub-consultant roles.

We are also recommending approval by the Members of the attached Final Project Charter representing the project budget inclusive of dollar values for the award of the Design-Build package.

¹ Terminal/Dinallo JV listed the following subcontractors for the required trades in its Price Proposal: The Barham Group, LLC (HVACR), BW Electrical Services, LLC (Electrical), Brian Trematore Plumbing & Heating, Inc. (Plumbing), and B&B Iron Works, Inc. (Structural Steel & Ornamental Iron). Terminal/Dinallo JV also listed a design consultant team lead by RSC Architects (Architecture), and including Concord Engineering Group, Inc. (HVAC Engineering, Electrical Engineering, and Plumbing Engineering), Langan Engineering & Environmental Services, Inc. (Civil Engineering and Environmental Engineering), and O'Donnell & Naccarato, Inc. (Structural Engineering).

Members of the Authority
 Design-Build Award and Approval of Final Project Charter
 Package No. ET-0099-B01
 New Perth Amboy High School
 November 6, 2019
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Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, Board approval is required for the award of construction contracts greater than \$500,000 and for the approval of the Final Project Charter.

BACKGROUND

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

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

A Construction Management Firm will be engaged to manage the construction of the new Perth Amboy High School. Advertisement for the procurement of these services will initiate during the fourth quarter of 2019.

PROCUREMENT PROCESS

This package was advertised as a design-build solicitation beginning on March 26, 2019 on the NJSDA website, NJ State website, and in selected newspapers for interested firms to participate in the bidding process. For this procurement, "Price" was weighted as more important than all "Other Factors," with price equaling 60% of the overall weight, and all non-price factors having a combined weight of 40%.

Interested bidders were required to attend a mandatory pre-bid conference and site visit held on April 9, 2019.

In accordance with regulations, the NJSDA employed a two-step process for this procurement. The first step required interested bidders to submit a Project Rating Proposal, which was used by the NJSDA to determine each bidder's Project Rating Limit, or maximum amount that a bidder may bid, for the project. Project Rating Proposals were received by April 23, 2019. Bidders were evaluated based on the largest of four projects completed in the past ten years, safety records as well as reference checks. Based on evaluation of the information submitted, six (6) bidders received a Project Rating Limit.

The Project Rating Limits resulting from the Project Rating Evaluations are listed in Table 1 below:

TABLE 1

Firm	Project Rating Limit
Dobco, Inc. / Intercontinental Construction Contracting, Inc. (JV)	\$202,563,800
Epic Management, Inc.	\$254,540,000
Prismatic Development Corporation	\$241,898,747
T.N. Ward Company	\$688,500,000
Terminal Construction Corporation / Dinallo Construction Corporation (JV)	\$314,253,266
Tutor Perini Building Corporation	\$807,661,008

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The second step of the process required the bidders to simultaneously submit a Technical Proposal and a sealed Price Proposal. Technical and Price Proposals were received on October 8, 2019 from two (2) bidders. As described in the RFP, the Technical Proposal submission consists of two separate portions for evaluation by two distinct committees as follows:

1. The “Experience Criteria” portion of the Technical Proposal submission was evaluated by an Evaluation Committee comprised of three (3) NJSDA staff members. The Evaluation Committee was responsible for collectively evaluating the “Experience Criteria” on a non-numeric basis and determining, on a consensus basis, whether a bidder had demonstrated sufficient experience in the following “Experience Criteria” categories:
 - Design-Builder’s Experience on Similarly Sophisticated Projects
 - Design-Builder’s Design Consultant’s Experience on Similarly Sophisticated Projects
 - Design-Builder’s Demonstrated Prior Affirmative Action Experience

2. The “Project Approach Criteria” portion of the Technical Proposal submission was evaluated by a Selection Committee, comprised of five (5) NJSDA staff members and one (1) alternate, and one (1) Perth Amboy School District representative and one (1) alternate. The Selection Committee was responsible for independently evaluating and scoring each bidder in each of the following “Project Approach Criteria” categories:
 - Approach to Project
 - Identification and Qualifications of Required Key Team Members
 - Approach to Schedule
 - Approach to LEED Requirements

“Evaluation Committee” Review

The Evaluation Committee determined that each of the bidders demonstrated sufficient experience in the “Experience Criteria” categories to be considered for award.

“Selection Committee” Review

The Selection Committee members conducted interviews with each of the two (2) Design-Build teams at NJSDA offices in Trenton on October 16, 2019 affording committee members an opportunity to obtain any additional information from each bidder team as needed to complete their evaluations of the “Project Approach Criteria” portion of the Technical Proposal.

Each Selection Committee member evaluated the “Project Approach Criteria” portion of each Technical Proposal, assigning a raw score for each category on a scale of 0 to 10 as follows:

- 9 - 10 points - outstanding response - offers significant advantages.
- 7 - 8 points - superior response - exceeds requirements with no deficiencies.
- 5 - 6 points - sufficient response - meets the requirements with no significant deficiencies.

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- 3 - 4 points - minimal response - meets the requirements but contains some significant deficiencies.
- 1 - 2 points - marginal response - comprehends requirements, but contains many significant deficiencies.
- 0 points - unsatisfactory response - requirements not addressed and lack of detail precludes adequate evaluation.

Weighting factors were then applied to each of the Selection Committee member's raw scores for each "Project Approach Criteria" category to arrive at a total weighted score as follows in Table 2 below:

TABLE 2

Project Approach Criteria Evaluation Category	Weighting Factor (Applied to Raw Score)	Maximum Weighted Points
Approach to Project	3.0	30
Identification and Qualifications of Required Key Team Members	3.5	35
Approach to Schedule	2.0	20
Approach to LEED Requirements	1.5	15
Total Possible Points		100

For each Technical Proposal, the individual "Project Approach Criteria" category scores awarded by a particular Selection Committee member were added together to calculate a total Non-Price Score for that Technical Proposal. The maximum total Non-Price Score is 100. All of the total Non-Price Scores awarded to a Technical Proposal by the Selection Committee members were added together and averaged to arrive at a final Non-Price Score for each Technical Proposal.

The results of the Selection Committee's review of the "Project Approach Criteria" portion of each Technical Proposal are listed in Table 3 below:

TABLE 3

Contractor	Non-Price Score	Non-Price Rank
Terminal/Dinallo JV	74.167	1
Epic Management, Inc.	71.417	2

Sealed Price Proposals

Once all the Technical Proposals were scored pursuant to the "Project Approach Criteria", the sealed Price Proposals were publicly opened on October 18, 2019 in accordance with the RFP and the bids were read aloud as required by law.

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

The results of the NJSDA's review and scoring of the Price Proposals are listed in Table 4 below:

TABLE 4

Contractor	Bid Amount	Price Score	Price Rank
Terminal/Dinallo JV	\$247,950,000	100.000	1
Epic Management, Inc.	\$252,252,000	98.295	2

As stipulated in the RFP, each Bid Amount is inclusive of NJSDA-established Allowances totaling \$5,620,000, as follows: \$2,200,000 for General Design and Construction; \$400,000 for Emergency Responder Radio Repeater System; \$650,000 for Emergency Generator upgrades for additional electrical load requirements to the System requested and to be funded by the District; \$210,000 for Emergency Alert System funded in part by the District to address system features that exceed statutory requirements; \$2,010,000 for Subsurface Conditions for unforeseen environmental or geotechnical issues beyond those identified in the Contract; \$100,000 for Outdoor School Sign for district funded electronic displays and School mascot sculpture; and \$50,000 for Domestic Water Conditioning if necessary to address acceptable pH Levels.

Final Combined Scores and Final Rankings

After the Price Scores were determined for all bidders, the Price Scores were adjusted by a weighting factor of 60%. The Non-Price Scores for "Other Factors" criteria were adjusted by a weighting factor of 40%. The weighted Price Score and weighted Non-Price Score for each bidder were added together for a Final Combined Score. The maximum Final Combined Score is 100. The Final Combined Scores and Final Rankings are listed in Table 5 below:

TABLE 5

Contractor	Raw Non-Price Score	Raw Price Score	Weighted Non-Price Score (40%)	Weighted Price Score (60%)	Final Combined Score	Final Rank
Terminal/Dinallo JV	74.167	100.000	29.667	60.000	89.667	1
Epic Management, Inc.	71.417	98.295	28.567	58.977	87.544	2

The highest ranked bidder was Terminal/Dinallo JV.

Highest Ranked Bidder's Price Proposal

The bid submitted by Terminal/Dinallo JV was \$26,850,000 greater than the CCE. In order to understand the differential between the CCE and the bid price and to ensure the contractor's price

Members of the Authority
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proposal was inclusive of all scope elements, a conference was conducted on October 23, 2019 with Terminal/Dinallo JV and staff from Procurement, Construction Operations, Program Operations, Design Studio and Financial Operations to review the bid. The discussion verified that Terminal/Dinallo JV had included all project scope work in its bid and identified variances between the NJSDA's CCE and Terminal/Dinallo JV's price proposal. The most significant variance was attributable to costs associated with the Electrical and HVAC work. In review with the contractor it was identified that due to the duration of the project and the timing of advancement of the Electrical and HVAC work additional cost escalation beyond that which was included within the CCE was applied by the bidders for these major trades. In addition, the contractor's bid value for electrical labor was greater than the NJSDA estimate for the work. At the time of review, Terminal/Dinallo JV confirmed that its price proposal is inclusive of all scope elements contained in the Contract Documents.

The Construction Operations Directors and the Financial Operations Director recommend award of the project to Terminal/Dinallo JV.

FINAL PROJECT CHARTER

The attached Final Project Budget represents the project budget inclusive of actual dollar values for the award of the Design-Build contract, current estimates for all future scope elements such as FF&E and technology, and appropriate contingencies. Additionally, the budget is inclusive of costs incurred related to site investigation, as well as NJSDA Staff costs for both Design and Project Management. The Final Project Charter budget of \$283.8 million represents a net increase of approximately \$49.5 million from the Board-approved Preliminary Project Charter due to increased construction costs based upon the award value for the design-builder which exceeds the value that was estimated within the Preliminary Project Charter. The values estimated within the Preliminary Project Charter were based upon the application of planning assumptions to proposed project scope at the time the charter was advanced for approval in June 2016. The increased construction cost is attributable to costs associated with the necessary deep pile foundation system required for the project as well as cost escalation. Additionally, the CM Fee budget has been increased to reflect more recent project experience.

RECOMMENDATION

The Members of the Authority are requested to approve the award of a contract to the highest ranked bidder, Terminal Construction Corporation / Dinallo Construction Corporation (JV), for Contract No. ET-0099-B01 in the amount of \$ 247,950,000 inclusive of NJSDA-established Allowances totaling \$5,620,000. Prior to execution of the contract, the contract and related documentation will be reviewed and approved by the NJSDA Division of Chief Counsel.

The Members of the Authority are also requested to approve the attached Final Project Charter representing all expended and projected funds necessary for completion of the project.

/s/ Sean Murphy

Sean Murphy, Director, Procurement

/s/ Corrado Minervini

Corrado Minervini, Program Director, Construction Operations

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/s/ Joseph Lucarelli

Joseph Lucarelli, Program Director, Construction Operations

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

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

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

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

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

New Jersey Schools Development Authority Project Charter - Summary

Charter Date

11/06/19

**Supersedes
Charter Dated**

06/01/16

Region: Central
District: Perth Amboy
Project Name: New High School
School Type: High School
DOE # / Project #: 4090-N03-16-0AEO
Project Type (New/Add/Reno): New
Project Location: Convery Blvd. Perth Amboy, NJ
Number of Students 2,800 (FES) 3,295 (Max)

Land Acquisition Required? Yes No

Temporary Space Required? Yes No

Funding Source

2012 Capital Plan

Funding Allocated

\$234,355,000

Project Budget: \$ 283,830,000

Anticipated Substantial Completion Date 05/07/24

Anticipated School Occupancy Date Sep-24

Project Team Leader: Joseph Lucarelli / Ritchard Sherman

Project Initiation Date: Jun-16

SDA Board - Project Charter Approval Date: 11/06/19

District Local Share

\$0.00

Charter Version and Date		Project Summary
<input type="checkbox"/> Planning		New High School facility on the District acquired Convery Blvd site to educate 2,800 students in grades 9-12.
<input type="checkbox"/> Preliminary	06/01/16	
<input checked="" type="checkbox"/> Final	11/06/19	
		Purpose for Advancement of Current/Revised Project Charter
Revision # and Date		Approval of the Final Project Charter inclusive of final budget and schedule for the project based upon the award of the Design-Build contract.
<input type="checkbox"/> One		
<input type="checkbox"/> Two		District Project Goals A new school to address district educational needs for grades 9 - 12 which will serve to mitigate district wide overcrowding in both high school and middle school grade levels.
<input type="checkbox"/> Three		
<input type="checkbox"/> Four		
<input type="checkbox"/> Five		
<input type="checkbox"/> Six		

Recommendation

Program Director - Construction Operations _____ Date
 Joseph Lucarelli

Managing Directors - Capital Planning / Design _____ Date
 Gregory Voronov / Ritchard Sherman

Vice President - Construction Operations _____ Date

VP - Prog. Ops. and Strategic Planning _____ Date
 Andrew Yosha

Approval

Interim Chief Executive Officer _____ Date
 Manuel Da Silva

7

New Jersey Schools Development Authority Project Charter - Milestones & Delivery Method						Charter Date	
						11/06/19	
District / Project Name:		Perth Amboy / New High School					
DOE # / Project #:		4090-N03-16-0AEO					
Project Milestones						Date	
School Occupancy Date						Sep-24	
DELIVERY METHOD				Design/Build			
Real Estate Services		Start	Est.	Act.	Finish	Est.	Act.
Feasibility		Complete	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Complete	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Investigations		04/01/16	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Complete	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Acquisition		District	<input type="checkbox"/>	<input type="checkbox"/>	District	<input type="checkbox"/>	<input type="checkbox"/>
Relocation		NA	<input type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	<input type="checkbox"/>
Demolition		District	<input type="checkbox"/>	<input type="checkbox"/>	District	<input type="checkbox"/>	<input type="checkbox"/>
Early Site Package		District	<input type="checkbox"/>	<input type="checkbox"/>	District	<input type="checkbox"/>	<input type="checkbox"/>
Deed Restriction Required?		TBD	Date				
District Notified?			<input type="checkbox"/>	<input type="checkbox"/>			
Classification Exception Area?		TBD					
District Notified?			<input type="checkbox"/>	<input type="checkbox"/>			
Special Considerations							
Design:		Date	Est.	Act.			
Design Start (NTP)		10/17/16	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Design Restart (if applicable)		NA	<input type="checkbox"/>	<input type="checkbox"/>			
		Start	Est.	Act.	Finish	Est.	Act.
Program Concept Phase		10/17/16	<input type="checkbox"/>	<input checked="" type="checkbox"/>	03/21/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schematic Design		03/22/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>	09/15/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bridging Documents		06/23/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>	02/22/19	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Design-Build Bid/Award		03/26/19	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11/29/19	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Design-Build NTP		11/30/19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12/20/19	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Final Design		12/20/19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10/01/20	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special Considerations							
Construction:		Date	Est.	Act.			
Construction Start (NTP)		10/02/20	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Substantial Completion (TCO)		05/07/24	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
School Occupancy Date		Sep-24	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Title Transfer		N/A	<input type="checkbox"/>	<input type="checkbox"/>			
Final Completion (C of O)		07/31/24	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Post Occupancy Walk Through		04/02/25	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Project Close-Out		04/30/25	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Special Considerations							
The above schedule information is based upon the NJSDA's schedule for project completion consistent with the contract requirements for the design-build engagement. Adjustments to the Charter schedule may be made after review and approval of the design-builder awardee's proposed project schedule.							

New Jersey Schools Development Authority Project Charter - Project Budget		Charter Date 11/06/19
District / Project Name: Perth Amboy / New High School		
DOE # / Project #: 4090-N03-16-0AEO		
2012 Capital Plan Funding Allocation		\$ 234,355,000
Special Considerations:		
<p>The project budget is based upon the award amount for the Design-Build engagement, current estimates for all project scope elements and estimated costs for future scope elements. The award amount is inclusive of NJSDA-established Allowances totaling \$5,620,000, as follows: \$2,200,000 for General Design and Construction; \$400,000 for Emergency Responder Radio Repeater System; \$650,000 for Emergency Generator upgrades for additional electrical load requirements to the System requested and to be funded by the District; \$210,000 for Emergency Alert System funded in part by the District to address system features that exceed statutory requirements; \$2,010,000 for Subsurface Conditions for unforeseen environmental or geotechnical issues beyond those identified in the Contract; \$100,000 for Outdoor School Sign for district funded electronic displays and School mascot sculpture; and \$50,000 for Domestic Water Conditioning if necessary to address acceptable pH Levels.</p>		
Project Budget:		
Gross Building Area (GSF):		Grossing Factor:
New	576,000	1.59
Addition	0	
Renovation	0	
Total Gross Building Area (GSF):		576,000
Estimated Building Cost / GSF		
New Construction Cost/GSF	\$368.91	
Renovation Cost/GSF		
Design-Builder Costs		
Design	\$12,233,000	
Building Costs	\$212,489,700	
Site Development Costs	\$17,607,300	
Demolition	\$0	
Allowances	\$5,620,000	
Cost Escalation months at 5 % per year		
Design Contingency	\$0	
Construction Contingency	\$6,200,000	
Total Construction Costs		\$254,150,000
Pre-Development Costs:		
Consultant Services	\$1,500,000	
Early Site Package (Demolition/Remediation)	(District Responsibility)	
Land Acquisition	(District Responsibility)	
Temporary Easements	\$552,000	
Property Maintenance/Carry Costs	\$0	
Total Pre-Development Costs		\$2,052,000
Other Costs:		
Design		
Prior Design Services	\$0	
In-House Design	\$1,700,000	
Project Management (SDA Staff)	\$2,274,000	
PMF/CM	\$4,600,000	
FF&E	\$9,600,000	
Technology	\$9,600,000	
Commissioning	(Included in DB Scope)	
Temporary Space	\$0	
Other Costs	\$3,118,000	
Total Other Costs		\$30,892,000
Other Funding Sources		
Rebates & Refunds	\$0	
District Local Share Funds	(\$3,264,000)	
Total Other Funding Sources		(\$3,264,000)
Total Project Budget		\$283,830,000
Funding from Prior Allocation		\$0
Funding from 2012 Capital Plan		\$283,830,000

**New Jersey Schools Development Authority
Project Charter - Budget Variance**

Charter Date

11/06/19

District / Project Name: Perth Amboy / New High School
DOE # / Project #: 4090-N03-16-0AEO

Project Budget:

	Preliminary Charter 6/1/16	Current Budget	VARIANCE Fav/(Unfav)
Grossing Factor:	1.55	1.59	(0.04)
Gross Building Area (GSF):			
New	535,000	576,000	(41,000)
Addition	0	0	0
Renovation	0	0	0
Total Gross Area (GSF):	535,000	576,000	(41,000)
Design-Builder Costs			
Design	\$7,923,000	\$12,233,000	(\$4,310,000)
Building Costs	\$162,449,000	\$212,489,700	(\$50,040,700)
Site Development Costs	\$9,238,000	\$17,607,300	(\$8,369,300)
Demolition	\$0	\$0	\$0
Allowances	\$4,000,000	\$5,620,000	(\$1,620,000)
Cost Escalation	\$0	\$0	\$0
Design Contingency	\$13,800,000	\$0	\$13,800,000
Construction Contingency	\$6,200,000	\$6,200,000	\$0
Total Construction Costs	\$203,610,000	\$254,150,000	(\$50,540,000)
Pre-Development Costs:			
Consultant Services	\$1,500,000	\$1,500,000	\$0
Early Site Package (Demolition/Remediation)	(District Responsibility)	(District Responsibility)	N/A
Land Acquisition	(District Responsibility)	(District Responsibility)	N/A
Temporary Easements	\$552,000	\$552,000	\$0
Property Maintenance/Carry Costs	\$0	\$0	\$0
Total Pre-Development Costs	\$2,052,000	\$2,052,000	\$0
Other Costs:			
Design			
Prior Design Services	\$0	\$0	\$0
In-House Design	\$1,700,000	\$1,700,000	\$0
Project Management (SDA Staff)	\$2,274,000	\$2,274,000	\$0
PMF/CM	\$2,401,000	\$4,600,000	(\$2,199,000)
FF&E	\$9,600,000	\$9,600,000	\$0
Technology	\$9,600,000	\$9,600,000	\$0
Commissioning	(Included in DB Scope)	(Included in DB Scope)	N/A
Temporary Space	\$0	\$0	\$0
Other Costs	\$3,118,000	\$3,118,000	\$0
Total Other Costs	\$28,693,000	\$30,892,000	(\$2,199,000)
Other Funding Sources			
Rebates & Refunds	\$0	\$0	\$0
District Local Share Funds	\$0	(\$3,264,000)	\$3,264,000
Total Other Funding Sources	\$0	(\$3,264,000)	\$3,264,000
Total Project Budget	\$234,355,000	\$283,830,000	(\$49,475,000)
Funding from Prior Allocation	\$0	\$0	\$0
Funding from 2012 Capital Plan	\$234,355,000	\$283,830,000	(\$49,475,000)

Budget Variance Analysis:

The project budget represents a net increase of approximately \$49.5 million from the Board approved Preliminary Project Charter due to increased construction costs based upon the award value for the design-builder which exceeds the value that was estimated within the Preliminary Project Charter. The values estimated within the Preliminary Project Charter were based upon the application of planning assumptions to proposed project scope at the time the charter was advanced for approval in June 2016. The increased construction cost is attributable to costs associated with the necessary deep pile foundation system required for the project as well as cost escalation. Additionally, the CM Fee budget has been increased to reflect more recent project experience. These increases are partially offset through the utilization of design contingency included within the Preliminary Project Charter to account for potential cost increases prior to the award of the design-build contract.

Schedule Variance Analysis:

Resolution—7c.

Design-Build Services Award and Approval of Final Project Charter

District:	Perth Amboy Public Schools
School:	New Perth Amboy High School
Description:	Design-Build
Package No.:	ET-0099-B01
CCE:	\$221,100,000
Advertised CCE Range:	\$210,000,000 to \$230,000,000
Award:	\$247,950,000
CM:	TBD

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority approve the award of construction contracts greater than \$500,000 and final project charters; and

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

WHEREAS, on June 1, 2016, the SDA Board approved a preliminary project charter, thereby approving construction of a new high school facility and related site development work on the district-owned Convery Boulevard site utilizing in-house design and a design-build delivery method; and

WHEREAS, a package for design-build services was advertised beginning March 26, 2019 with “price” weighted as 60% of the overall weight and “all non-price factors” having a combined weight of 40%; and

WHEREAS, upon completion of the competitive procurement process, the construction operations directors and the financial operations director recommend award of the contract in the amount of \$247,950,000 inclusive of SDA-established allowances totaling \$5,620,000, to the joint venture of Terminal Construction Corporation/Dinallo Construction Corporation (Terminal/Dinallo JV), for the Project; and

WHEREAS, at the time of review, Terminal/Dinallo JV confirmed that its price proposal is inclusive of all scope elements contained in the contract documents; and

WHEREAS, along with the contract award, SDA executive management recommends that the Members of the Authority approve the final charter for the Project as presented to the Board on this date and representing all expended and projected funds necessary for completion of the Project; and

WHEREAS, the background of the Project, a detailed description of the procurement process followed and the specifics of the final charter recommended for approval are set forth in detail in the memorandum presented to the Board on this date and incorporated herein; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the award of a contract in the amount of \$247,950,000, inclusive of SDA-established allowances totaling \$5,620,000, to the highest ranked bidder, to the joint venture of Terminal Construction Corporation/Dinallo Construction Corporation, for the Perth Amboy School District's new Perth Amboy High School project (Contract No. ET-0099-B01) and the project's final charter as presented to the Board on this date and representing all expended and projected funds necessary for completion of the project.

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

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

Attached: Memorandum, Design-Build Award and Approval of Final Project Charter, Perth Amboy High School - ET-0099-B01, Perth Amboy School District, dated November 6, 2019

Dated: November 6, 2019

CREDIT AMENDMENT - GREYHAWK NORTH AMERICA, LLC



MEMORANDUM

TO: Members of the Authority

FROM: Bob Ryan
Program Director, Construction Operations

DATE: November 6, 2019

SUBJECT: New Brunswick – Paul Robeson Community School for the Arts
Greyhawk North America, LLC
De-Obligation of Unused Contract Funds

COMPANY NAME:	Greyhawk North America, LLC
DISTRICT:	New Brunswick School District
CONTRACT NO.:	ET-0073-M01
PMF/CM:	Greyhawk North America, LLC
SCHOOL NAME:	Paul Robeson Community School for the Arts
ORIGINAL	
AGREEMENT VALUE:	\$1,487,500.00
AMENDMENT NO.:	1
REASON:	De-Obligation of Unused Contract Funds
AMOUNT:	(\$188,750.00)
CONTRACT STATUS:	73.4% Paid to Date against the Current Contract Value
CERTIFICATE OF	
OCCUPANCY DATE:	July 25, 2018

INTRODUCTION

I am writing to recommend approval by the Members of the Authority of Amendment No. 1 to Greyhawk North America, LLC (Greyhawk), in the credit amount of \$188,750.00. The dollar value of the credit is the remaining balance of Contract No. ET-0073-M01 and represents unused Professional Services not required to be performed by Greyhawk. A Credit Amendment is the accounting mechanism by which the NJSDA de-obligates unused contract funds.

Execution of this amendment is necessary for the release of final payment and to advance contract closeout, as well as closeout activities for the Paul Robeson Community School for the Arts (Robeson) project.

In accordance with the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, a Credit Amendment which singularly exceeds \$100,000 or 10% of the Contract value requires approval by the Members of the Authority. This amendment exceeds \$100,000 and 10% of the contract value.

New Brunswick School District - Paul Robeson Community School for the Arts
Greyhawk North America, LLC (ET-0073-M01)
Credit Amendment No. 1 - De-Obligation of Unused Contract Funds
November 6, 2019
Page 2 of 3

BACKGROUND

The Paul Robeson Community School for the Arts (Robeson) project consists of a 59,400 square foot renovation and a 60,500 square foot addition to the facility that is designed to educate 823 students in grades Pre-K to Five in the New Brunswick School District. The addition and renovation of the Robeson School project was approved to advance under the Authority's 2012 Capital Plan at the March 7, 2012 NJSDA Board Meeting. The Design-Build award and Project Charter for the Addition and Renovation of the Robeson School were approved by the Members of the Authority at the September 2, 2015 Board Meeting.

Greyhawk North America LLC (Greyhawk) was issued a Notice-To-Proceed (NTP) on August 9, 2016 for the design-build construction management services of the Addition and Renovation of the Robeson School. Greyhawk's Contract includes an allowance in the amount of \$300,000.00, established to fund Testing and Inspection Services.

The Project Certificate of Occupancy was issued on July 25, 2018. The Project has been transferred to the District, and Students and Staff began occupying the facility in September 2018.

REASON FOR CHANGE

In accordance with the Contract Agreement, the construction manager shall be compensated only for those months of the actual construction duration for which Construction Phase Services are provided by the construction manager.

Actual construction began on August 10, 2016 and was substantially completed on May 31, 2018, approximately five (5) months earlier than the anticipated 27 months construction duration under Greyhawk's agreement.

All work on this project is complete, all punch-list work is complete and has been accepted and all unused contract allowance funding for Testing and Inspection Services has been de-obligated.

Amendment No. 1 is required to deobligate the remaining unused contract funds in the credit amount of \$188,750, which represents five months of Greyhawk's monthly fee of \$37,750.00, in order to close out the contract.

New Brunswick School District - Paul Robeson Community School for the Arts
 Greyhawk North America, LLC (ET-0073-M01)
 Credit Amendment No. 1 - De-Obligation of Unused Contract Funds
 November 6, 2019
 Page 3 of 3

SUMMARY OF CHANGE

Amendment No. 1 is to credit the unused balance of funds remaining in the contract that are not required.

Cost breakdown is as follows:

Construction Management Services (Base Contract – Basic Services)	\$ 1,187,500.00
Expenditure to Date	\$ 998,750.00
Remaining Unused Contract Funds	\$ 188,750.00

All documents supporting this amendment have been reviewed by the associated NJSDA project Team Members and the Program Director for adherence to current NJSDA policy and procedures. All reviewing NJSDA staff members, including Financial Operations, have determined that the items in Amendment No.1 are justified and the amount is reasonable and appropriate.

CALCULATIONS

a. Original Contract Amount (Basic Services plus \$300,000 Allowance)	\$ 1,487,500.00
b. Amendments to Date (excluding proposed amendment)	\$ 0.00
c. Proposed Credit Amendment Amount	(\$ 188,750.00)
d. Total Amendments to Date including this Amendment (Total of Line (b.) and Line (c.))	(\$ 188,750.00)
e. Percentage Change to Original Contract (Line (d.) represents a percent of Line (a.))	(12.7%)
f. Proposed Adjusted Contract Price (Line (a.) plus Line (d.))	\$ 1,298,750.00

RECOMMENDATION

The Members of the Authority are requested to approve Amendment No. 1 in the credit amount of \$188,750.00. The NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, requires approval by the Members of the Authority for a credit amendment that exceeds \$100,000 or 10% of the Contract value. This amendment exceeds \$100,000 and 10% of the Contract value.

/s/ Robert Ryan

Robert Ryan, Program Director, Construction Operations

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

Reviewed and Recommended by: Nicole Burnett, Deputy Director, Construction Operations

Reviewed and Recommended by: Claire Tsai-Ochs, Senior Program Officer, Construction Operations

Prepared and Recommended by: Gabriel Salas, Program Officer, Construction Operations

Resolution—7d.

De-Obligation of Unused Contract Balance – Credit Amendment

COMPANY NAME:	Greyhawk North America, LLC
DISTRICT:	New Brunswick School District
CONTRACT NO.:	ET-0073-M01
PMF/CM:	Greyhawk North America, LLC
SCHOOL NAME:	Paul Robeson Community School for the Arts
ORIGINAL	
AGREEMENT VALUE:	\$1,487,500.00
AMENDMENT NO.:	1
REASON:	De-Obligation of Unused Contract Funds
AMOUNT:	(\$188,750.00)
CONTRACT STATUS:	73.4% Paid to Date against the Current Contract Value
CERTIFICATE OF	
OCCUPANCY DATE:	July 25, 2018

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that a credit amendment that singularly exceeds \$100,000 or 10% of the contract value requires approval by the Members of the Authority; and

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

WHEREAS, the Paul Robeson Community School for the Arts project (Project) consists of a 59,400 square foot renovation and a 60,500 square foot addition to the facility that is designed to educate 823 students in grades Pre-K to Five in the New Brunswick School District; and

WHEREAS, the addition and renovation Project was approved to advance under the Authority's 2012 Capital Plan at the March 7, 2012 SDA Board Meeting; and

WHEREAS, the design-build award and project charter for the addition and renovation Project were approved at the September 2, 2015 Board Meeting; and

WHEREAS, Greyhawk North America LLC (Greyhawk) was issued a notice-to-proceed (NTP) on August 9, 2016 for design-build construction management services for the Project; and

WHEREAS, actual Project construction began on August 10, 2016 and was substantially completed on May 31, 2018, approximately five (5) months earlier than the anticipated 27 months construction duration under Greyhawk's agreement; and

WHEREAS, the Project certificate of occupancy was issued on July 25, 2018, the Project was transferred to the District, and students and staff began occupying the facility in September 2018; and

WHEREAS, the remaining unused balance of the not-to-exceed value, totaling \$188,750.00 and representing five months of Greyhawk's monthly fee of \$37,750 is available for de-obligation; and

WHEREAS, execution of this amendment is necessary for the release of final payment and to advance contract closeout, as well as closeout activities for the Project; and

WHEREAS, this credit amendment singularly exceeds \$100,000 and 10% of the contract value and thus its issuance requires approval by the Members of the Authority; and

WHEREAS, the Project's background along with details as to the reason for the amendment and a summary of the amendment are fully set forth in the memorandum presented to the Board on this date and incorporated herein; and

WHEREAS, all documents supporting this amendment have been reviewed by the associated SDA project team as well as by the program director for adherence to current SDA policy and procedures and all reviewing SDA staff members have determined that this credit change order is justified and that the amount is reasonable and appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve Amendment No. 1 in the credit amount of \$188,750.00 which is the dollar value of the remaining balance of Contract No. ET-0073-M01 and represents unused professional services not required to be performed by Greyhawk North America, LLC.

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

Attached: Memorandum, Credit Amendment 1, De-Obligation of Unused Contract Funds
Greyhawk North America, LLC (Contract No. ET-0073-M01), New Brunswick
School District, Paul Robeson Community School for the Arts, dated November 6,
2019

Dated: November 6, 2019

**NOTIFICATION OF COMPLETION OF PRE-DESIGN PHASE SERVICES AND
AUTHORIZATION TO PROCEED WITH DESIGN PHASE SERVICES - BRIDGETON
SCHOOL DISTRICT - BRIDGETON HIGH SCHOOL - EMERGENT PROJECT - WATER
INFILTRATION**

[INFORMATIONAL]



INFORMATIONAL MEMORANDUM

TO: Members of the Authority

FROM: Corrado Minervini, Program Director, Construction Operations

DATE: November 6, 2019

SUBJECT: Bridgeton H.S., Bridgeton
Emergent Project – Water Infiltration
Notification of Completion of Pre-Design Phase Services and Authorization to
Proceed with Design Phase Services

INTRODUCTION

I am writing this memorandum to provide notification to the Members of the Authority of the conclusion of Pre-Design Phase Services and the initiation of Design Phase Services to address an emergent condition at the Bridgeton High School in Bridgeton. The NJSDA has issued an authorization to proceed to USA Architects, Planners + Interior Designers, PA (USA) for Design Phase Services in accordance with contract provisions and based upon the NJSDA's determination of the appropriate scope of remedial work following a review of the results of the Pre-Design Phase Services performed by USA.

The NJSDA has authorized USA to complete design documents to address the emergent condition by replacing the existing roof system (excluding the Library roof), with a new Ethylene-Propylene-Diene Monomer (EPDM) roofing system and associated roofing masonry repairs consistent with NJSDA and District standards. Upon completion of the design documents the NJSDA will engage a general contractor through the Design-Bid-Build procurement process to perform the necessary construction services work to implement the design. The value of that Bid-Build engagement is estimated at this time at approximately \$5,000,000.

While advancement of the Design Phase Services did not require approval by the Board, the construction contract, based upon its estimated value, will require Board approval prior to engagement of the general contractor. Therefore, I am writing to notify the Board of the action taken.

BACKGROUND

The Bridgeton H.S., built in 1958, is an approximately 170,000 square foot facility in the Bridgeton Public School District educating approximately 1,298 students in grades 9 through 12.

The NJSDA engaged USA through utilization of the Design Consultant Services Task Order Contract and authorized USA to perform Pre-Design Phase Services inclusive of investigation and testing in order to provide the NJSDA with recommendations for addressing the Emergent Condition. Investigation and testing results clearly revealed that making selective repairs to the roof would be ineffective. Eliminating that option left installation of which type of replacement

Members of the Authority
Bridgeton Public Schools – Bridgeton H.S. – Water Infiltration Repair
November 6, 2019
Page 2 of 2

roof system as the remaining decision. Each option considered would include complete removal of the existing system and installation of new insulation and membrane as well as replacement of all metal copings, edges, and flashings.

Based upon the results of the Pre-Design Phase Services and the NJSDA's review of USA's Conditions Assessment and Options Development Reports, the NJSDA has determined that the appropriate scope of work includes replacement of the existing roof system of approximately 160,000 square feet (excluding the Library roof), with a new EPDM roofing system and associated roofing masonry repairs consistent with NJSDA and District standards. This option will provide long-term stability, address the water infiltration condition, and provide a roofing system that is both consistent with District and NJSDA standards and at a reasonable cost. Other options were eliminated due either to application concern regarding odors, inability to address the entirety of the emergent condition, or inconsistency with NJSDA and District standards.

It is anticipated that the Design Phase will be completed by April, 2020, inclusive of review and release by the New Jersey Department of Community Affairs, followed by the procurement of the General Contractor in the 2nd Quarter of 2020. The construction work is forecasted to begin in Summer 2020 and conclude by May, 2021.

NOTIFICATION TO THE MEMBERS OF THE AUTHORITY

For the reasons discussed above, the NJSDA has authorized USA to perform Design Phase Services for the Bridgeton High School emergent project.

Advancement of these Design Consultant Services has authorized USA to complete design documents for the emergent project. Upon completion of the design documents the NJSDA will engage a general contractor through the Design-Bid-Build procurement process. The value of that general contractor engagement is estimated at this time at \$5,000,000.

While advancement of the Design Phase Services does not require approval by the Board, the construction contract will require Board approval prior to engagement of the contractor.

Reviewed by: Andrew Yosha, Vice President, Program Operations & Strategic Planning
Prepared by: Corrado Minervini, Program Director, Construction Operations
Steve Wendling, Deputy Director, Construction Operations
Douglas Doyle, Program Officer, Construction Operations
Walter Andrew, Program Officer, Construction Operations

**PROCEDURES FOR COMPLIANCE WITH ALYSSA'S LAW - SPECIAL ADOPTED
AND CONCURRENT PROPOSED NEW RULES: N.J.A.C. 19:32A 1.1 TO 3.1**



MEMORANDUM

7

TO: Members of the Authority

FROM: Cecelia Haney, Deputy Chief Counsel and Administrative Practice Officer

DATE: November 6, 2019

RE: Special Adoption and Concurrent Proposal of Regulations: Procedures for Compliance with Alyssa's Law, N.J.A.C. 19:32A

On February 6, 2019, Governor Murphy signed P.L. 2019, c. 33, Alyssa's Law, requiring that each public elementary and secondary school building in the state be equipped with a panic alarm to alert law enforcement in the event of a school security emergency. Alyssa's Law provided that funding for compliance with the panic alarm requirement would be made available through the proceeds of bonds issued under the Securing Our Children's Future Bond Act, P.L. 2018 c. 119. Alyssa's Law further required that the New Jersey Schools Development Authority adopt regulations, to be effective immediately upon filing and for a period of six months, thereafter to be formally amended or adopted, to establish a program to effectuate the purposes of Alyssa's Law. NJSDA, in conjunction with the Commissioner of the Department of Education (the "Commissioner") has developed rules for implementing a program to allow NJSDA to assess school districts' compliance with the requirements of Alyssa's Law with respect to each school building in a district, which will facilitate the Commissioner's program of school security project grants available for school security projects such as the installation of a panic alarm or other alternate emergency mechanism at any school building that is not already in compliance with the provisions of Alyssa's Law.

Management of the Authority now seeks the Members' approval of the filing of a Notice of Special Adoption and Concurrent Proposal of the attached rules, captioned "Procedures for Compliance with Alyssa's Law." Once the Notice of Special Adoption and Concurrent Proposal is filed with the Office of Administrative Law, Rules Division, it will effect the immediate adoption of the rules, with no public comment period, for a period of six months; and it will simultaneously propose such rules for publication and public comment to facilitate adoption of the rules in the normal course, effective for a standard seven-year expiration period upon final adoption.

Background

The Rules address the standards for school districts to demonstrate compliance with Alyssa's Law. The Rules prescribe a mandatory process in which school districts must submit to the Authority proof that each of the school buildings in the school district are equipped with a panic alarm meeting the requirements of Alyssa's Law, or an alternate emergency mechanism that, if approved by the Department of Education, will satisfy the requirements of Alyssa's Law. Alternatively, if a school district cannot demonstrate compliance with Alyssa's Law in all of the school buildings in the district, the Rules require the school district to submit to the Authority a compliance plan describing how the school district will achieve compliance with Alyssa's Law in each school building in the district, which may include reliance on school security project grants from the Commissioner available to fund the costs of compliance with Alyssa's Law.

The Authority's compliance process is based primarily on the school district's submission of a certification from a local law enforcement official with jurisdiction in the municipality where a school building is located, confirming that the school building is equipped with a panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or in the case of a school building in a municipality without a local municipal police department, transmits a signal or message to a location designated by the Superintendent of State Police.

The rules provide that once a school district has demonstrated compliance with Alyssa's Law with respect to one or more school buildings in a district, the Authority will issue a notice of compliance determination to the school district. The Authority's compliance determination is a prerequisite for the school district to apply to the Commissioner for grant funding to reimburse the school district for the installation costs for existing systems and equipment that satisfy Alyssa's Law, or for the costs of planned installations to achieve compliance with Alyssa's Law. The Rules provide that the Authority will transmit the notice to the school district and the Department of Education to facilitate any grant application that the school district may make to access grant funding available through the Commissioner for the costs of installation of panic alarms or alternate emergency mechanisms in satisfaction of Alyssa's Law.

Requested Board Action

The Members of the Authority are requested to approve the filing of the Notice of Special Adoption and Concurrent Proposal to effect the immediate adoption of the attached rules entitled "Procedures for Compliance with Alyssa's Law"; as well as the proposal and publication of these rules for public comment and formal adoption in the normal course.

/s/ Cecelia Haney
Cecelia Haney, Deputy Chief Counsel
and Administrative Practice Officer

Reviewed and Recommended by Jane F. Kelly, Vice President, Corporate Governance & Legal Affairs

OTHER AGENCIES

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Procedures for Compliance with Alyssa's Law

Special Adopted and Concurrent Proposed New Rules: N.J.A.C. 19:32A 1.1 to 3.1

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

Filed: [date]

Authority: P.L. 2019 c. 33

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

Concurrent Proposal Number: PRN 2019-____.

Effective Date:

Expiration Date:

Submit written comments via mail or e-mail by [date], to:

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In accordance with P.L. 2019 c. 33, the New Jersey Schools Development Authority has adopted the following new rules for school districts seeking funding for, and compliance with, the panic alarm installation requirements of Alyssa's Law, P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 et seq.), which rules became effective upon acceptance for filing by the Office of Administrative

Law. The specially adopted new rules shall be effective for a period not to exceed six months from the date of special adoption (insert date of special adoption).

Concurrently, the provisions of these new rules are being proposed for permanent adoption, subject to a 60-day public comment period and publication upon formal adoption, and effective for a full seven-year period, in accordance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

The agency special adoption and concurrent proposal follows:

Summary

On February 6, 2019, Governor Murphy signed P.L. 2019, c. 33, Alyssa's Law, requiring that each public elementary and secondary school building in the State be equipped with a panic alarm to alert law enforcement in the event of a school security emergency. Alyssa's Law provides that funding for compliance with the panic alarm requirement would be made available through the proceeds of general obligation bonds issued under the Securing Our Children's Future Bond Act, P.L. 2018 c. 119. Alyssa's Law further requires that the New Jersey Schools Development Authority (the "Authority") adopt regulations, to be effective immediately upon filing and for a period of six months, thereafter to be formally amended or adopted, to establish a program to effectuate the purposes of Alyssa's Law.

The New Jersey Schools Development Authority, in consultation with the Commissioner of the Department of Education, now adopts by special adoption and concurrently proposes new rules that specify the procedures for determining school districts' compliance with Alyssa's Law.

A section-by-section summary of the new rules follows.

Subchapter 1. General Provisions

§ 19:32A-1.1 Applicability and scope

This section sets forth the chapter's purpose and scope, which is to implement the provisions of Alyssa's Law, P.L. 2019, c. 33 (N.J.S.A. 18A:41-11) (hereinafter "Alyssa's Law" or "the Act"), which provides that all school facilities shall include a panic alarm connected to local law enforcement, and provides further that a portion of the proceeds of general obligation bonds issued pursuant to the Securing Our Children's Future Bond Act, P.L. 2018 c. 119 (the "Bond Act") shall be utilized to fund the cost of the panic alarms or other alternative mechanisms approved by the Department of Education (the "Department") required in school buildings under Alyssa's Law. The proposed rules provide the mechanism whereby school districts can demonstrate compliance with Alyssa's Law.

§ 19:32A-1.2 Construction of rules

This section provides that the rules shall be liberally construed to permit the Authority to discharge its statutory obligations under Alyssa's Law.

§ 19:32A-1.3 Definitions

This section defines terms used throughout the chapter.

The Authority proposes a definition for "alternate emergency mechanism" which means a device or system that generates a notification to local law enforcement in the event of a school security emergency, as approved by the Department. In conjunction with the Department's rules on security grant funding proposed at 6A:26-4.1 et seq., the proposed definition implements the provisions of N.J.S.A. 18A:41-11 allowing the Department to approve an alternative emergency mechanism to comply with Alyssa's Law, and achieves the goal of Alyssa's Law to equip each

school building with an emergency mechanism to notify local law enforcement in the event of a school security emergency.

The Authority proposes a definition for “Alyssa’s Law” which means P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 to -13).

The Authority proposes a definition for “compliance determination” which means a determination of the Authority that a school district has demonstrated compliance with Alyssa’s Law with respect to one or more school buildings within the school district, which determination shall be memorialized in a formal, written Notice of Compliance Determination.

The Authority proposes a definition for “compliance plan” which means the document submitted to the Authority by a school district as part of the compliance determination review process that sets forth the school district’s plan for achieving compliance with Alyssa’s Law with respect to any non-compliant school buildings in the school district, including, if applicable, reference to the school district’s application for school security project grant funding under N.J.A.C. 6A:26A-4.1 et seq. to comply with Alyssa’s Law.

The Authority proposes a definition for “New Jersey Schools Development Authority” or “the Authority”, or “SDA” which means the New Jersey Schools Development Authority established pursuant to N.J.S.A. 52:18A-237.

The Authority proposes a definition for “non-compliant school building” which means a school building that is not equipped with a panic alarm or alternative emergency mechanism satisfying the requirements of Alyssa’s Law.

The Authority proposes a definition for “notice of compliance determination” which means the formal, written memorialization of the SDA’s determination that a school district has demonstrated compliance with Alyssa’s Law with respect to one or more school buildings within the school district.

The Authority proposes a definition for “panic alarm” which means a silent security system signal generated by the manual activation of a device to alert law enforcement to a life-threatening or emergency situation requiring a response from law enforcement, as set forth in N.J.S.A. 18A:41-11.

The Authority proposes a definition for “school” which means an educational institution that includes any of the grades kindergarten through twelve.

The Authority proposes a definition for “school building” which means a building owned or leased by a school district and used to permanently house students in any combination of grades kindergarten through twelve.

The Authority proposes a definition for “school district” or “district” which means a local or regional school district, a county special services school district, a county vocational school district, and a district under partial or full State intervention pursuant to P.L.1987, c.399 (C.18A:7A-34 et seq.), but which, for the purposes of this chapter, does not include charter or renaissance schools.

The Authority proposes a definition for “school security project grant” which means a grant of funds to a district for a school security project under N.J.A.C. 6A:26A-4.1 to -4.4, which shall include funding of installation of panic alarms in compliance with Alyssa’s Law, N.J.S.A. 18A:41-11 et seq. if needed, and may include funding of security measures to implement the provisions of N.J.S.A. 18A:7G-5.2.

The Authority proposes a definition for “security project” which means the construction, improvement, alteration or modernization of all or any part of a school building in a school district for school security purposes, including the installation of panic alarms and silent security systems. A security project shall not include routine maintenance.

The Authority proposes a definition for “school security emergency” which means a life-threatening or emergency situation requiring a response from law enforcement, including, but not limited to a non-fire evacuation, lockdown, or active shooter situation, which situation occurs in or near a school building.

Subchapter 2. Alyssa’s Law Compliance and School Security Grant Procedures

§ 19:32A-2.1 Mandatory school district compliance with Alyssa’s Law

This section specifies the mandatory nature of school district compliance with Alyssa’s law. Subsection (a) provides that each school district in the State is required to demonstrate compliance with Alyssa’s Law with respect to each school building in such school district, by submitting to the Authority an application for a compliance determination, identifying each school building in the school district and providing documentation sufficient to enable the Authority to evaluate and determine whether each school building is in compliance with Alyssa’s Law. Subsection (b) emphasizes that compliance with Alyssa’s Law is a prerequisite for eligibility for school security project grant funding under N.J.A.C. 6A:26A-4.1 et seq., specifying that when applying for a school security project grant, a school district must submit an application to the Authority for a compliance determination prior to, or simultaneous with, the school district’s application to the Commissioner for a school security project grant under N.J.A.C. 6A:26A-4.1 et seq. Finally, subsection (c) indicates that Alyssa’s Law compliance review is required even for school districts that opt not to seek available school security project funding, providing that school districts that do not elect to apply to the Commissioner for a school security project grant under N.J.A.C. 6A:26A-4.1 et seq. must apply to the Authority for a compliance determination no later than sixty days after the grant application deadline established

by the Commissioner for submission of applications for a school security project grant under N.J.A.C. 6A:26A-4.1 et seq.

§ 19:32A-2.2 Demonstrating school district compliance with Alyssa’s Law

This section provides the standards for determining compliance with the Alyssa’s Law. The section provides that in order to demonstrate compliance with the requirements of Alyssa’s Law, a school district must submit to the Department for each school building a certification of a law enforcement official with jurisdiction in the municipality in which the school building is located, attesting that such school building is equipped with a silent panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or a location designated by the Superintendent of State Police. Alternatively, a school district may demonstrate that a school building is equipped with an alternative emergency mechanism if such alternative emergency mechanism is approved by the Department.

This section further provides that if a school district cannot demonstrate compliance with the requirements of Alyssa’s Law with respect to one or more of the school buildings located in the school district, then the school district must install a panic alarm or an approved alternative emergency mechanism in such non-compliant school building, and can apply to the Commissioner for a grant covering the costs of such proposed installation, pursuant to the procedures specified in these regulations and in the Department’s regulations at N.J.A.C. 6A:26A-4.1 et seq.

§ 19:32A-2.3 School District application for Alyssa’s Law compliance determination

(a) This section details the process for applying to the Authority for a compliance determination. Subsection (a) provides that a school district shall apply for a compliance determination using a form

provided by the Authority. Subsection (b) provides that the Authority determination will be made based on the information supplied by the school district. Subsections (c) and (d) define the information to be supplied by the school district for this review, starting with the subsection (c) requirement of submission of a full list of all school buildings in the school district, which shall be accompanied by a certification of the Superintendent or Business Administrator for the school district, attesting to the completeness and accuracy of the list. Further, subsection (d) specifies that for each school building on the list, the school district shall demonstrate whether the school building is equipped with a silent panic alarm system that satisfies Alyssa's Law, by supplying: a manufacturer's or other description of the panic alarm system, including a description of the method of operation of the panic alarm for signaling local law enforcement, sufficient to demonstrate how the proposed installation will satisfy the requirements of Alyssa's Law; photo or video evidence of the panic alarm installed in at least one location in the school building; and a certification by a law enforcement official with jurisdiction in the municipality in which the school building is located, confirming that the school building is equipped with a panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or in the case of a school building in a municipality without a local municipal police department, transmits a signal or message to a location designated by the Superintendent of State Police. Subsection (e) requires the district to submit a compliance plan for any and all school buildings in the district that are not demonstrated to be in compliance with Alyssa's Law. The compliance plan shall describe how the school district intends to satisfy the requirements of Alyssa's Law in all non-compliant school buildings in the school district, and may include reference to the school district's planned or pending application for school security grant funding pursuant to N.J.A.C. 6A:26A-4.1 et seq. Finally, subsection (f) provides that the compliance plan shall be submitted

by the school district either as part of the compliance determination application, or within thirty days of submission of the compliance determination application.

§ 19:32A-2.4 Determinations upon completion of compliance review

This section provides that SDA shall review the materials submitted by the school district and shall determine, for each school building listed by the school district, whether the school building is equipped with a silent panic alarm in compliance with Alyssa's Law. This section further provides that if the SDA determines that a school building is equipped with an alternate emergency system that, if approved by the Department, may satisfy the requirements of Alyssa's Law, SDA shall recommend that the Department approve the alternate emergency system, and if approval is granted by the Department, SDA shall determine the school building to be in compliance with Alyssa's Law. Finally, this section provides that SDA shall provide the school district with a notice of compliance for all school buildings demonstrated to be in compliance with Alyssa's Law, and shall transmit such notice of its determinations to the Commissioner to facilitate grant applications for school security project grants.

§ 19:32A-2.5 Grant funding available to facilitate Alyssa's Law compliance

This section specifies that in order for a school district to receive funding available for compliance with Alyssa's Law, a school district shall apply to the Commissioner of the Department (the "Commissioner") for a school security project grant, pursuant to regulations at N.J.A.C. 6A:26A-4.1 et seq. This section provides that the grant application must address all of the school buildings in the school district, and may request, for the various school buildings within the school district, either retroactive funding of a completed panic alarm installation, or prospective funding of a planned panic alarm installation to comply with Alyssa's Law. This

section further provides that a school security grant application may also request funding for a school security project involving security measures to implement the provisions of N.J.S.A. 18A:7G-5.2, but cautions that such grant funding will only be available if the school district has demonstrated compliance with Alyssa's Law.

§ 19:32A-2.6 Submission of certification upon completion of panic alarm or alternate emergency mechanism installations in compliance with Alyssa's Law

This section specifies the requirements for demonstrating compliance with Alyssa's Law for those installations of panic alarms or alternate emergency mechanisms occurring after a school district has received an initial notice of compliance determination. Subsection (a) of this section provides that upon completion of an installation of a panic alarm or alternate emergency mechanism in satisfaction of Alyssa's Law at any school building previously included in a compliance plan under N.J.A.C. 19:32A-2.3(e), the school district shall submit to the Authority, upon completion of the work or at such other time as may be specified in regulations at N.J.A.C. 6A:26A-4.1 et seq. or in any grant agreement relating to such work, a certification of a law enforcement official as described in N.J.A.C. 19:32A-2.3(d)3. Subsection (b) of this section requires that a school district shall supply any other documentation reasonably requested by the Authority to demonstrate a previously non-compliant school building's compliance with Alyssa's Law, in order to permit the Authority to update its compliance determination for the school district to include newly-compliant school buildings. Subsection (c) provides that the Authority shall provide an updated notice of compliance determination to the school district and to the Department, upon the school district's submission of documentation under this section, as additional panic alarm or alternate emergency mechanism installations are completed, if the

documentation submitted is sufficient to demonstrate a school building's compliance with Alyssa's Law.

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

Social Impact

The proposed new rules will allow the SDA to evaluate and determine school districts' compliance with Alyssa's Law, and issue a notice of compliance determination to school districts that demonstrate compliance with Alyssa's Law with respect to one or more school buildings in the school district. The Authority's issuance of the notice of compliance will facilitate the process for the Commissioner's issuance of school security grants for installation of panic alarms and alternate emergency mechanisms in compliance with Alyssa's Law, as well as other school security projects as required by N.J.S.A. 18A:7G-5.2, all of which has the positive social impact of making students and staff feel secure in the school environment, so that effective learning can take place.

Economic Impact

The proposed new rules will create a positive economic impact for businesses engaged in school construction and school security, as school districts will be required to demonstrate compliance with Alyssa's Law, and to the extent such school districts may be required to engage school construction and school security firms to install equipment or systems to comply with Alyssa's Law, this demand will create business for these industries.

Federal Standards Statement

The proposed new rules implement State statutes, namely Alyssa's Law, P.L. 2019 c.33 (N.J.S.A. 18A:41-10 et seq.) and the Securing Our Children's Future Bond Act, P.L. 2018 c. 119. There are no Federal standards or requirements governing the subject matter of these rules which apply only to New Jersey school districts that are required to demonstrate their compliance with Alyssa's Law. A Federal standards analysis, therefore, is not required.

Jobs Impact

The proposed new rules may result in the generation of jobs in the school construction and school security industries as a result of the requirement that school districts comply with Alyssa's Law, through school district engagements of school construction and school security firms to perform installation of panic alarms or alternate emergency mechanisms to satisfy Alyssa's Law.

Agriculture Industry Impact

The proposed new rules will have no impact on the agriculture industry as the requirement for installation of panic alarms or alternate emergency mechanisms in school buildings in fulfillment of Alyssa's Law will not require the acquisition of real property.

Regulatory Flexibility Statement

The proposed new rules do not impose recording, recordkeeping or other compliance requirements on small businesses as defined by N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. The Rules proposed for adoption primarily impact New Jersey school districts, and impose recording, recordkeeping and compliance requirements on school districts that are required to submit documentation to demonstrate compliance with the requirements of Alyssa's Law.

Housing Affordability Impact Analysis

The proposed new rules will have no impact on the affordability of housing or on the average cost of housing in the State. The rules establish standards for the Authority's determination of a school district's compliance with the requirements of Alyssa's Law.

Smart Growth Development Impact Analysis

The proposed new rules will have an insignificant impact on smart growth development because it is extremely unlikely that the adoption of the rules would evoke a change in housing production 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

There is an extreme unlikelihood that the proposed new rules would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the rules establish standards for determining school districts' compliance with the requirements of Alyssa's Law.

Full text of the special adoption and concurrent proposal follows.

Subchapter 1. General Provisions

§ 19:32A-1.1 Applicability and scope

These rules are promulgated by the New Jersey Schools Development Authority (“SDA” or the “Authority”) to effectuate the purposes of Alyssa's Law, P.L. 2019, c. 33

(N.J.S.A. 18A:41-11) (hereinafter “Alyssa’s Law” or “the Act”), in conjunction with complementary rules simultaneously proposed by the Commissioner (the “Commissioner”) of the Department of Education (the “Department”) as N.J.A.C. 6A:26A-4.1 et seq. to effectuate the Securing Our Children’s Future Bond Act, P.L. 2018, c. 119 (hereinafter, the “Bond Act”). Alyssa’s Law provides that all school facilities shall include a panic alarm connected to local law enforcement, and provides further that a portion of the proceeds of general obligation bonds issued under the Bond Act shall be utilized to fund the cost of the panic alarms required in school buildings under Alyssa’s Law, or other alternative mechanisms approved by the Department under that Act. These rules are adopted in order to provide the mechanism whereby school districts can demonstrate compliance with Alyssa’s Law.

§ 19:32A-1.2 Construction of rules

This chapter shall be liberally construed to permit the Authority to discharge its statutory obligations under Alyssa’s Law.

§ 19:32A-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.

“Alternate emergency mechanism” means a device or system that generates a notification to local law enforcement in the event of a school security emergency, as approved by the Department.

“Alyssa’s law” or “the Act” means P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 to -13).

“Compliance determination” means a determination of the Authority that a school district has demonstrated compliance with Alyssa’s Law with respect to one or more school buildings within the school district, which determination shall be memorialized in a formal, written Notice of Compliance Determination.

“Compliance plan” means the document submitted to the Authority by a school district as part of the compliance determination review process that sets forth the school district’s plan for achieving compliance with Alyssa’s Law with respect to any non-compliant school buildings in the school district, including, if applicable, reference to the school district’s application for school security project grant funding under N.J.A.C. 6A:26A-4.1 et seq. to comply with Alyssa’s Law.

“New Jersey Schools Development Authority” or “the Authority” or “SDA” means the New Jersey Schools Development Authority established pursuant to N.J.S.A. 52:18A-237.

“Non-compliant school building” means a school building that is not equipped with a panic alarm or alternative emergency mechanism satisfying the requirements of Alyssa’s Law.

“Notice of compliance determination” means the formal, written memorialization of the SDA’s determination that a school district has demonstrated compliance with Alyssa’s Law with respect to one or more school buildings within the school district.

“Panic alarm” means a silent security system signal generated by the manual activation of a device to alert law enforcement to a life-threatening or emergency situation requiring a response from law enforcement, as set forth in N.J.S.A. 18A:41-11.

“School” means an educational institution that includes any of the grades kindergarten through twelve.

“School building” means a building owned or leased by a school district and used to permanently house students in any combination of grades kindergarten through twelve.

“School district” means a local or regional school district, a county special services school district, a county vocational school district, and a district under partial or full State intervention pursuant to P.L.1987, c.399 (C.18A:7A-34 et seq.). For the purposes of this chapter, school district does not include charter or renaissance schools.

“School security project grant” means a grant of funds to a school district for a school security project under N.J.A.C. 6A:26A-4.1 to -4.4, which shall include funding of installation of alarms in compliance with Alyssa’s Law, N.J.S.A. 18A:41-11 et seq. if needed, and may include funding of security measures to implement the provisions of N.J.S.A. 18A:7G-5.2.

“Security project” means the construction, improvement, alteration or modernization of all or any part of a school building in a school district for school security purposes, including the installation of alarms and silent security systems. A security project shall not include routine maintenance.

“School security emergency” means a life-threatening or emergency situation requiring a response from law enforcement, including, but not limited to a non-fire evacuation, lockdown, or active shooter situation, which situation occurs in or near a school building.

Subchapter 2. Alyssa's Law Compliance and School Security Grants to Facilitate

Compliance with Alyssa's Law

§ 19:32A-2.1 Mandatory school district compliance with Alyssa's Law

(a) Each school district in the State is required to demonstrate compliance with Alyssa's Law with respect to each school building in such school district, by submitting to the Authority an application for a compliance determination, identifying each school building in the school district and providing documentation sufficient to enable the Authority to evaluate and determine whether each school building is in compliance with Alyssa's Law.

(b) In order to be eligible to receive a school security project grant under N.J.A.C. 6A:26A-4.1 et seq., a school district must submit an application to the Authority for a compliance determination prior to, or simultaneous with, the school district's application to the Commissioner for a school security project grant under N.J.A.C. 6A:26A-4.1 et seq.

(c) School districts that do not elect to apply to the Commissioner for a school security project grant under N.J.A.C. 6A:26A-4.1 et seq. must apply to the Authority for a compliance determination no later than sixty days after the grant application deadline established by the Commissioner for submission of applications for a school security project grant under N.J.A.C. 6A:26A-4.1 et seq.

§ 19:32A-2.2 Demonstrating school district compliance with Alyssa's Law

(a) In order for a school district to demonstrate compliance with the requirements of Alyssa's Law, it must submit to the Authority proof that each school building in the district is equipped with a silent panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or in the case of a school facility in a municipality without a local municipal police department, transmits a signal or message to a location

designated by the Superintendent of State Police. Such proof shall be provided for each school building in the school district, in the form of a certification of a law enforcement official with jurisdiction in the municipality in which the school building is located.

(b) Alternatively, a district may demonstrate that a school building is compliant with Alyssa's Law if such school building is equipped with an alternative emergency mechanism that is approved by the Department.

(c) If a school district cannot demonstrate compliance with the requirements of Alyssa's Law with respect to one or more of the school buildings located in the school district, then the school district must install a panic alarm or an approved alternative emergency mechanism in such non-compliant school building, and can apply to the Commissioner for a grant covering the costs of such proposed installation, pursuant to the procedures specified in the Commissioner's regulations at N.J.A.C. 6A:26A-4.1 et seq.

§ 19:32A-2.3 School District application for Alyssa's Law compliance determination

(a) A school district shall apply to the Authority for a compliance determination utilizing the application form supplied by the Authority.

(b) The Authority shall review and evaluate the district's compliance with Alyssa's Law based on information supplied by the school district as part of the school district's application to the Authority.

(c) The school district shall provide, as part of the application, a full list of all school buildings in the school district. The list shall be accompanied by a certification of the Superintendent or Business Administrator for the school district, attesting to the completeness and accuracy of the list.

(d) For each school building on the school district’s list, the school district shall demonstrate whether the school building is equipped with a panic alarm system that satisfies Alyssa’s Law, in accordance with section 2.2 above, by supplying the following:

- 1. the manufacturer’s description of the panic alarm system, or a brief description of the panic alarm system or equipment to be installed, including a description of the method of operation of the panic alarm for signaling local law enforcement, sufficient to demonstrate how the proposed installation will satisfy the requirements of Alyssa’s Law;**
- 2. photo or video evidence of the panic alarm installed in at least one location in the school building; and**
- 3. a certification, in the form provided by the Authority, by a law enforcement official with jurisdiction in the municipality in which the school building is located, confirming that the school building is equipped with a panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or in the case of a school building in a municipality without a local municipal police department, transmits a signal or message to a location designated by the Superintendent of State Police.**

(e) If, for any school building on the school district list, the school district cannot demonstrate that the school building is equipped with a panic alarm or alternate emergency mechanism in compliance with Alyssa’s Law, the school district shall provide a compliance plan indicating how the school district will satisfy the requirements of Alyssa’s Law in all non-compliant school buildings in the school district, including, if applicable, reference to the school district’s planned or pending application for school security grant funding pursuant to N.J.A.C. 6A:26A-4.1 et seq.

(f) The school district shall supply the compliance plan to the Authority with the compliance determination application, or within thirty days of submission of the compliance determination application.

§ 19:32A-2.4 Determinations upon completion of compliance review

- (a) SDA shall review the materials submitted by the school district and shall determine, for each school building listed by the school district, whether the school building is equipped with a panic alarm in compliance with Alyssa's Law.**
- (b) Alternatively, if upon review of the materials submitted by the school district, the SDA determines that a school building is equipped with a system or equipment that may constitute an alternate emergency system if approved by the Department, and if approved, would satisfy the requirements of Alyssa's Law, SDA shall;**
- 1. recommend that the Department approve the alternate emergency system, and**
 - 2. if approval is granted by the Department, SDA shall determine the school building to be in compliance with Alyssa's Law.**
- (c) SDA shall provide the school district with a notice of compliance determination for all school buildings demonstrated to be in compliance with Alyssa's Law, and shall transmit such notice of its determinations to the school district and the Commissioner to facilitate grant applications for school security project grants.**

§ 19:32A-2.5 Grant funding available to facilitate Alyssa's Law compliance

In order to receive school security project grant funding available for compliance with Alyssa's Law, a school district shall apply to the Commissioner for a school security project grant, pursuant to regulations at N.J.A.C. 6A:26A-4.1 et seq.

§ 19:32A-2.6 Submission of certification upon completion of panic alarm or alternate emergency mechanism installations in compliance with Alyssa's Law

(a) When a school district completes an installation of a panic alarm or alternate emergency mechanism in satisfaction of Alyssa's Law at any school building previously included in a compliance plan under N.J.A.C. 19:32A-2.3(e), the school district shall submit to the Authority, upon completion of the work or at such other time as may be specified in regulations at N.J.A.C. 6A:26A-4.1 et seq. or in any grant agreement relating to such work, a certification of a law enforcement official as described in N.J.A.C. 19:32A-2.3(d)3.

(b) The school district shall submit any other documentation reasonably requested by the Authority to demonstrate a previously non-compliant school building's compliance with Alyssa's Law, in order to permit the Authority to update its compliance determination for the school district to include newly-compliant school buildings

(c) The Authority shall provide an updated notice of compliance determination to the school district and to the Department, upon the school district's submission of documentation under this section, as additional panic alarm or alternate emergency mechanism installations are completed, if the documentation submitted is sufficient to demonstrate a school building's compliance with Alyssa's Law.

Subchapter 3. Appeals

§ 19:32A-3.1 Appeals

(a) School districts may appeal from decisions or determinations of the Authority under these rules, and such appeals may be requested in writing, and an opportunity given for any informal hearing on the papers, in person or via 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 (a) above, or if a school district determines not to seek an informal hearing, and providing further, that the dispute or controversy is a contested case, as defined in 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) Every determination of a dispute or controversy arising from this chapter by the Authority, constituting final agency action by the Board, shall be embodied in a written decision which shall set forth findings of fact and conclusions of law pursuant to the applicable rules of the Office of Administrative Law.

Resolution—7f.

Extension of Existing Regulations: Notice of Re-adoption (without Amendments) --
Procedures for Compliance with Alyssa's Law

Resolution

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

WHEREAS, on February 6, 2019, "Alyssa's Law" (P.L. 2019, c. 33) was enacted, requiring that each public elementary and secondary school building in the state be equipped with a panic alarm to alert law enforcement in the event of a school security emergency; and

WHEREAS, Alyssa's Law provided that funding for compliance with the panic alarm requirement would be made available through the proceeds of bonds issued under the Securing Our Children's Future Bond Act, P.L. 2018 c. 119; and

WHEREAS, Alyssa's Law further required that the SDA adopt regulations, to be effective immediately upon filing and for a period of six months, thereafter to be formally amended or adopted, in order to establish a program to effectuate the purposes of Alyssa's Law; and

WHEREAS, SDA, in conjunction with the Commissioner of the Department of Education (DOE) has developed rules (the Rules) for implementing a program to allow SDA to assess school districts' compliance with the requirements of Alyssa's Law with respect to each school building in each district; and

WHEREAS, SDA management is seeking Board authorization and approval to proceed with the filing of a Notice of Special Adoption and Concurrent Proposal of the Rules, captioned "Procedures for Compliance with Alyssa's Law."; and

WHEREAS, upon the filing of the Notice of Special Adoption and Concurrent Proposal with the Office of Administrative Law, Rules Division, the Rules will be immediately adopted with no public comment period, for a period of six months; and

WHEREAS, the Rules simultaneously will be proposed for publication and public comment to facilitate their adoption in the normal course, effective for a standard seven-year expiration period upon final adoption.

WHEREAS, SDA management recommends that the Members of the Authority authorize and approve the adoption of the Rules as proposed consistent with the memorandum presented to the Board on this date and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the filing of the Notice of Special Adoption and Concurrent Proposal to effectuate the immediate adoption of the attached Rules entitled "Procedures for Compliance with Alyssa's Law".

BE IT FURTHER RESOLVED, that the Members of the Authority authorize and approve the proposal and publication of these rules for public comment and formal adoption in the normal course.

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.

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Attached: Memorandum, Special Adoption and Concurrent Proposal of Regulations: Procedures for Compliance with Alyssa's Law, N.J.A.C. 19:32A, dated November 6, 2019

Dated: November 6, 2019

MONTHLY REPORTS
(For Informational Purposes)

ACTIVE PROJECTS STATUS REPORT



STATE OF NEW JERSEY
SCHOOLS DEVELOPMENT AUTHORITY

MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director

DATE: November 6, 2019

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

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

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



2011 & 2012 Portfolio Projects Activities Summary

as of 10/23/19

2011 Portfolio Projects - sorted by District

1

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

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

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2011 & 2012 Portfolio Projects Activities Summary

as of 10/23/19

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	\$25.8	Design-Bid-Build	Proposals received 9/18/19. ROA for GC forecast to advance to Nov. 2019 Board.	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.

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2011 & 2012 Portfolio Projects Activities Summary

as of 10/23/19

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

1								
District	Project	Grade Alignment	FES Capacity	Max. Capacity	Total Estimated Cost (millions)	Design Status	Advancement Status	Projected Construction Advertisement Date*
East Orange	Sheila Y. Oliver Academy (GW Carver ES)	PK-5	470	512	\$41.2	Kit of Parts/ Design-Build	Award for D-B approved Jun. 2017 Board. (Dobco)	4/26/16 1/20/17
Elizabeth	New ES @ Halloran PS #22 ES Site	2-8	860	956	\$55.3	Kit of Parts/ Design-Build	School occupied Sep. 2017. (Torcon)	6/9/14
Garfield	James Madison ES	K-5	275	305	\$29.7	Existing Design	School occupied Sep. 2018. (Brockwell & Carrington)	2/19/14 6/30/15
Harrison	New ES	PK - 1	392	432	\$36.1	Kit of Parts/ Design-Build	Award for D-B approved Nov. 2016 Board. (Brockwell and Carrington)	11/10/15 7/13/16
Irvington	Madison Avenue ES	PK-5	463	504	\$38.6	Kit of Parts/ Design-Build	School occupied Sep. 2019. (Bock)	11/19/15 8/16/16
Millville	Senior HS Addition/Renovation	HS	2,026	2,384	\$137.5	Design-Build	Award for D-B approved Apr. 2017 Board. (Hall Construction)	9/30/16
Passaic	Sonia Sotomayor ES (New ES @ Leonard Place)	K-5	628	698	\$55.9	Kit of Parts/ Design-Build	School occupied Sep. 2019. (Dobco, Inc.)	8/13/15
Paterson	New MS @ Union Ave.	6-8	996	1107	\$113.9	Design-Build	Award for D-B approved Sep. 2018 Board. (Epic Management)	3/2/17 4/26/18
Pemberton	Denbo-Crichton ES	PK-5	846	930	\$58.7	Design-Build	Award for D-B approved Jan. 2018 Board. (Bock)	3/1/17 9/13/17
Perth Amboy	High School	HS	2,800	3,304	\$234.4	Design-Build	Proposals received 10/8/19. ROA for D-B forecast to advance to Nov. 2019 Board.	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	839	\$62.0	Kit of Parts/ Design-Build	Advertisement for D-B 8/29/19. Proposals Due November 2019.	5/23/18 8/29/19
Union City	New Grade 7 to 9 School	7-9	756	840	\$64.2	Kit of Parts/ Design-Build	Preliminary Charter approved Mar. 2017 Board.	TBD
Vineland	Lincoln Ave. MS (New MS)	6-8	562	624	\$49.8	Kit of Parts/ Design-Build	School occupied Sep. 2018. (Bock).	9/24/15

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*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 10/23/19

2012 Portfolio Projects (Facilities Deficiencies) - sorted by District

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

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

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



**Active Project Status Report
Status as of 10/1/2019**

Major Capital Projects - With Contract for Building Construction Awarded

#	District	Project Name	Project Scope	Project Status	Substantial Completion	Status Substantial Completion	School Opening	Status of School Opening	Total Estimated Project Cost
1	Camden	New Camden High School	New Construction	Construction	3Q 2021	On-target	Sep-21	On-target	\$ 132,569,255
2	City of Orange	Cleveland Street ES	Addition/Renovation	Constructability Review	2Q 2021	On-target	Sep-21	On-target	\$ 33,243,608
3	City of Orange	Orange High School	Addition/Renovation	Constructability Review	1Q 2022	On-target	Phased	On-target	\$ 51,931,218
4	East Orange	New GW Carver ES	New Construction	Construction	4Q 2019	On-target	Sep-20	On-target	\$ 41,179,670
5	Harrison	New Elementary School	New Construction	Construction	1Q 2020	On-target	Sep-20	On-target	\$ 36,115,640
6	Millville	Millville Senior High School	Addition/Renovation	Construction	3Q 2022	On-target	Phased	On-target	\$ 137,503,832
7	Passaic City	New Dayton Avenue Educational Campus	New Construction	Construction	2Q 2022	On-target	Sep-22	On-target	\$ 240,923,270
8	Paterson	New Union Ave MS	New Construction	Design-Build Design Phase	2Q 2021	On-target	Sep-21	On-target	\$ 113,902,274
9	Pemberton	New Denbo ES	New Construction	Construction	1Q 2021	On-target	Sep-20	On-target	\$ 58,703,414

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**Active Project Status Report
Status as of 10/1/2019**

Emergent Projects - With Contract for Construction Awarded

#	District	Project Name	Project Scope	Project Phase	Substantial Completion	Status Substantial Completion	Final Completion	Status of Final Completion	Total Estimated Project Cost
1	Newark	Chancellor Ave Annex	Building Envelope & Structural Repairs	Construction	4Q 2019	On-Target	1Q 2020	On-Target	\$ 1,221,437
2	Newark	Dr. E. Alma Flagg ES	Exterior Doors & Roofing	Construction	4Q 2019	On-Target	4Q 2019	On-Target	\$ 654,000
3	Newark	Hawkins School	Chimney Repairs	GC TO w/ Design	4Q 2019	On-Target	4Q 2019	On-Target	\$ 637,888
4	Newark	Lafayette Street School	Exterior Doors & Roofing	Construction	4Q 2019	On-Target	4Q 2019	On-Target	\$ 658,129
5	Newark	Wilson School Annex	Chimney Repairs	GC TO w/ Design	4Q 2019	On-Target	4Q 2019	On-Target	\$ 211,386
6	Plainfield	Plainfield High School	Structural Repairs - Stairs	Construction	3Q 2019	Achieved	4Q 2019	On-Target	\$ 1,202,774

PROJECT CLOSEOUT STATUS REPORT



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

To: Members of the Authority
From: /s/ Ayisha Cooper, Vendor Services Analyst
Date: November 6, 2019
Subject: Project Close-Out Status Report

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The attached report provides a status of the following:

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

Projects closed since the last report will appear highlighted.



PROJECT STATUS REPORT - As of October 1, 2019					
Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Bridgeton					
2016	0540-050-13-0ACN	Buckshutem Road Elementary School			
2017	0540-100-13-0ACO	Quarter Mile Lane Elementary School			
Burlington City					
2007	0600-020-01-0957	New High School	Project Transferred	12/29/11	Open contract(s) - Legal matter pending
Camden					
2007	0680-140-01-0939	Octavius V. Catto Community School - Demonstration Project	Project Transferred	01/09/12	Open contract(s) - Pending audit completion
2009	0680-350-01-0938	HB Wilson Elementary School	Project Transferred	04/14/10	Open contract(s)
2009	0680-190-01-0927	Dudley Elementary School	Project Transferred	02/06/12	Open contract(s)
Cumberland					
2009	0997-030-02-0926	Cumberland Regional High School	Closed		
Egg Harbor City					
2010	1300-X01-04-0ADY	New Middle School	Project Transferred	01/01/12	Open contract(s)
Egg Harbor Township					
2011	1310-005-04-0AEB	Egg Harbor Township High School			
Elizabeth					
2017	1320-N20-13-0AEG	Halloran Elementary School	Project Transferred	06/12/18	Open contract(s)
2016	1320-X07-01-0867	Frank J. Cicarell Academy (New Academic HS)	Project Transferred	07/18/19	Open contract(s)
2013	1320-240-03-0339	Victor Mravlag Elementary School # 21	Project Transferred	08/27/19	Open contract(s) - Legal matter pending
Garfield					
2018	1700-205-03-0315	James Madison Elementary School #10			
Gloucester City					
Legacy	1770-160-01-0245	Cold Springs Elementary School	Project Transferred	06/05/09	Open contract(s)
2017	1770-N01-03-0188	Gloucester City Middle School	Project Transferred	04/17/18	Open contract(s)
Irvington					
2019	2330-120-03-0755	Madison Avenue Elementary School			
Jersey City					
Legacy	2390-N01-99-0227	New Elementary School #3 (Frank R. Conwell ES #3)	Project Transferred	12/19/15	Open contract(s) - Legal matter pending
Legacy	2390-N02-99-0228	Jersey City Middle School # 4 (Frank R. Conwell MS #4)	Project Transferred	12/19/15	Open contract(s) - Legal matter pending
2016	2390-190-01-0581	New Public School #20	Project Transferred	08/11/17	Open contract(s) - Legal matter pending
2017	2390-X03-01-0587	Patricia M. Noonan ES (New PS #3)	Project Transferred	12/14/17	Open contract(s) - Legal matter pending
2007	2390-N03-99-0147	Heights Middle School #7			
Keansburg					
2016	2400-E01-02-0116	New Caruso Elementary School	Project Transferred	08/13/18	Open contract(s)
New Brunswick					
2018	3530-123-03-1034	Paul Robeson Community Elementary School	Project Transferred	10/23/18	Open contract(s)

PROJECT STATUS REPORT - As of October 1, 2019					
Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Newark					
Legacy	3570-X01-01-0617	Science Park	Project Transferred	05/03/13	Open contract(s) - Legal matter pending
2008	3570-X03-01-0665	Central High School	Closed		
2010	3570-X07-01-0693	Speedway Elementary School	Project Transferred	10/21/15	Open contract(s)
2016	3570-590-02-0315	Oliver Street Elementary School	Project Transferred	05/18/17	Open contract(s)
2018	3570-640-02-0311	South Street ES			
Passaic					
2015	3970-X01-01-X760	New Henry Street Elementary School			
2019	3970-N11-07-0DAY	Leonard Place Elementary School			
Paterson					
Legacy	4010-N02-02-0393	Roberto Clemente Elementary School	Project Transferred	04/12/13	Needed repairs being addressed
2016	4010-N09-04-00HP	New Public School #16	Project Transferred	07/31/17	Open Contract(s)
2016	4010-N01-02-0169	Dr. Hami Awadallah School (New Marshall Street ES)	Project Transferred	03/15/18	Open Contract(s)
2008	4010 -S01-02-0101	International High School			
2008	4010-270-02-0608	#24 Elementary School			
Pemberton					
2011	4050-E01-02-0082	Pemberton Early Childhood Education Center	Project Transferred	02/01/13	Open contract(s)
Perth Amboy					
2019	4090-N01-98-0325	Seaman Avenue Elementary School			
Phillipsburg					
2016	4100-X01-99-0464	New High School	Project Transferred	06/07/18	Open contract(s)
Trenton					
2019	5210-050-13-0AEH	Trenton Central High School			
Vineland					
2018	5390-N02-02-0245	Lincoln Avenue Middle School			
West New York					
2009	5670-065-01-0559	Elementary School #2	Project Transferred	05/14/13	Open contract(s) - Legal matter pending
2012	5670-070-01-0556	West New York #3	Project Transferred	01/29/14	
2017	5670-100-12-0AEE	Harry L. Bain E.S.			
Capital and Demonstration Projects Totals					
Total Capital and Demonstration			155		
Closed Capital and Demonstration Projects			115		
Capital and Demonstration Projects Not Closed			40		
Capital and Demonstration Projects Not Closed, Project Transferred			23		
			Legal Matter	8	
			Pending Audit	1	
			Miscellaneous	14	

PROJECT STATUS REPORT - As of October 1, 2019					
Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Emergent Projects					
Camden					
	0680-170-12-OACF	Cramer Elementary School			
Irvington					
	2330-090-12-OACT	Chancellor Avenue Elementary School	Project Transferred	3/20/2018	Open contract(s)
Newark					
	3570-301-17-0AES	Marin - HVAC			
	3570-415-17-0AER	Dr. E. Alma Flagg E.S. - Doors and Roofing			
	3570-460-17-0AEZ	Hawkins ES - Chimney Repairs			
	3570-480-17-0AET	Lafayette - Doors and roofing			
	3570-750-17-0BBC	Willson School Annex - Chimney			
Paterson					
	4010-N02-12-0ABX	Roberto Clemente ES			
Plainfield					
	4160-050-17-0BBD	Plainfield High School			
Salem					
	4630-090-17-0AEQ	Salem Middle School	Project Transferred	10/18/18	Open contract(s)
Vineland					
	5390-050-12-0ACK	Vineland High School South			
Emergent Project Totals					
Total Emergent Projects			79		
Emergent Projects Closed			68		
Emergent Projects Not Closed			11		
Emergent Projects Not Closed but Transferred			2		
Health and Safety Contract Totals					
Total Contracts			399		
# of Contracts Closed			394		
# of Open Contracts			5		
Open Design Contracts					
Total Contracts			109		
# of Contracts Closed			98		
# of Open Contracts			11		

PROJECT STATUS REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director – Program Operations

DATE: November 6, 2019

SUBJECT: Executive Summary – Monthly Project Status Reports

MONTHLY PROJECT STATUS REPORT

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

No activity during the reporting period

Projects Greater than 90 Days Behind Schedule:

No activity during the reporting period

Revisions to Project Charters:

No activity during the reporting period



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

Reporting Period: Jan. 1, 2008 to Sep. 30, 2019

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

NO DATA TO REPORT

Substantially Complete & Building Occupied

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

Camden	Dudley E.S.	\$3,215,000	\$2,615,168	\$599,832	81.3%	99%	1. Installation of IT/AV systems	Project complete and building occupied. Working towards project close-out.
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. Working towards project close-out.
New Brunswick	Paul Robeson Community ES	\$1,599,650	\$2,180,000	\$0	100.0%	99%	Unforeseen structural repairs. On Oct. 4, 2017 Change Order No. 1 for the value of \$2,180,000 was approved by the Member to address unforeseen structural repairs to the existing Robeson ES which served to fully exhaust the project contingency.	Project complete and building occupied. Working towards project close-out.
Paterson	E.S. #24	\$4,616,120	\$4,313,389	\$302,731	93.4%	99%	1. Unforeseen soil remediation and clean fill.	Project complete and building occupied. Working towards project close-out.
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. Working towards project close-out.

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



Projects Greater than 90 Days Behind Schedule or with Occupancy Date in Jeopardy
 Reporting Period: September 2019

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



Revisions to Project Charters

Reporting Period: September 2019

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

CONTRACTS EXECUTED REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director, Program Operations

DATE: November 6, 2019

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

Contracts Executed Report

This report contains the activity of Contracts executed during the period September 1 through September 30, 2019.

Noteworthy Items during the reporting period:

- Execution of 1 General Construction Task Order engagement for corrective work for the Paterson Dr. Hani Awadallah ES – Grafas Painting Contrs Inc. T/A GPC, Inc.- \$173,000

Amendments & Change Orders Report

This report contains the activity of Amendments and Change Orders executed during the period September 1 through September 30, 2019.

Noteworthy Items during the reporting period:

- Execution of 5 Professional Services Amendments totaling a credit of \$6.3M, all 5 of the executed amendments required board approval representing a global settlement with the Spector Group on several projects.
- Execution of 8 Construction Services Change Orders totaling \$824k, of the 8 executed change orders 5 required board approval totaling \$786k.

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



Contracts Executed Report

Reporting Period: 9/1/2019 through: 9/30/2019

District	School Name(s)	Project Type	Contract Type	Contract Number	Vendor	MWSBE Cert(s)	Contract Award Amount	Contract Execution Date	Per School CCE	Total CCE	
Part 2. Construction Services											
Contractor											
Paterson	Dr. Hani Awadallah Elementary School	New	Construction	PA-0006-C05	Grafas Painting Contrs Inc. T/A GPC, Inc.	W	\$173,000	9/9/2019	-		
Contractor											
Part 2. Construction Services							\$173,000				



Contracts Executed Report

Reporting Period: 9/1/2019 through: 9/30/2019

District	School Name(s)	Project Type	Contract Type	Contract Number	Vendor	MWSBE Cert(s)	Contract Award Amount	Contract Execution Date	Per School CCE	Total CCE	
Part 4. Other Contracts & Services											
Others											
Irvington Township	Madison Avenue E.S.	New	FFE	ES-0027-K25	Turn-Key Technologies, Inc.		\$80,806	9/30/2019	-		
Trenton	Trenton Central H.S.	New	FFE	WT-0022-F53	Gym Source USA, LLC dba Gym Source		\$21,878	9/19/2019	-		
Trenton	Trenton Central H.S.	New	FFE	WT-0022-F55	Gym Source USA, LLC dba Gym Source		\$13,832	9/30/2019	-		
Trenton	Trenton Central H.S.	New	FFE	WT-0022-K64	Washington Computer Services		\$387,439	9/19/2019	-		
Others											
Part 4. Other Contracts & Services							\$503,955				
							Total Contract Award	Total Contracts Awarded			
Grand Totals - Professional and Construction Services Combined							\$676,955	5			

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** Contracts less than \$10,000 are not displayed

Project Types Legend
 HS Health & Safety
 New New Constuction
 Add Addition
 RenoAdd Addition & Renovation
 Reno Renovation

Contract Types Legend
 Aquisition Property Acquisition Related Costs
 Appraisal Appraisal, Appraisal Review, NRE
 Construction Construction
 Design Design or Site Investigation
 DB Design-Build
 E-Rate E-Rate
 FFE Furniture, Fixtures, and Equipment
 General General Program Cost
 Legal Legal
 Material Material Supply
 ProjectMgmt Project Management Firm
 PreDevelopment Predevelopment or Demolition
 Relocation Relocation Services
 SiteInvstgtn Site Investigation
 Testing Testing
 Title Title Services
 Utilities Utilities Services

MWSBE CERTIFICATIONS
 M = Minority Business Enterprise
 W = Women Business Enterprise
 S = Small Business Enterprise



Amendments & Change Orders Report

Reporting Period: 9/1/2019 through: 9/30/2019

District	School Name(s)	Contract Number	Contract Execution Date	CO #	Vendor Name	CO Execution Date	Contract Award Amount	Prior CO's (cumulative)	Current CO Amount	Board Approval Required	Board Approval Date	Revised Contract Amount	Cumulative CO %
Professional Services													
Design Consultant													
Elizabeth	Number 18, Robert Morris E.S. Number 23, N.M. Butler E.S. Number 3, Peterstown E.S. aka Nicholas Lacorte	EL-0015-A01	5/22/2003	5	Spector Group	9/4/2019	\$2,562,453	\$70,000	(\$2,053,769)	Y	6/5/2019	\$578,685	-77.41%
Elizabeth	Number 18, Robert Morris E.S.	EL-0029-A01	5/6/2004	2	Spector Group	9/4/2019	\$2,174,500	\$48,750	(\$768,459)	Y	6/5/2019	\$1,454,791	-33.09%
Elizabeth	Number 22, William F. Halloran E.S.	EL-0035-A01	12/14/2004	2	Spector Group	9/4/2019	\$2,694,223	\$0	(\$1,092,010)	Y	6/5/2019	\$1,602,213	-40.53%
Newark	South Street E.S.	NE-0003-A01	9/3/2003	7	Spector Group	9/4/2019	\$1,695,000	\$1,197,029	(\$1,206,748)	Y	6/5/2019	\$1,685,281	-0.57%
Newark	Oliver Street E.S.	NE-0013-A01	9/3/2003	6	Spector Group	9/4/2019	\$1,695,000	\$1,065,953	(\$1,171,595)	Y	6/5/2019	\$1,589,358	-6.23%
Professional Services									(\$6,292,581)				
Construction Services													
Contractor													
Egg Harbor City	New Middle School	ET-0097-C02	8/21/2015	11	IEW Construction Group, Inc.	9/10/2019	\$389,789	\$1,212,524	\$20,677			\$1,622,990	316.37%
Jersey City	Number 20 E.S.	JE-0010-C01	9/16/2013	66	Dobco, Inc.	9/18/2019	\$28,735,000	\$1,598,016	\$286,926	Y	6/5/2019	\$30,619,942	6.55%
Jersey City	Number 20 E.S.	JE-0010-C01	9/16/2013	67	Dobco, Inc.	9/19/2019	\$28,735,000	\$1,884,942	(\$29,044)	Y	6/5/2019	\$30,590,898	6.45%
Jersey City	Number 20 E.S.	JE-0010-C01	9/16/2013	68	Dobco, Inc.	9/19/2019	\$28,735,000	\$1,855,898	(\$15,785)	Y	6/5/2019	\$30,575,114	6.40%
Newark	Lafayette Street E.S.	EP-0103-C01	6/6/2018	3	Mark Construction, Inc.	9/11/2019	\$447,929	\$56,189	\$13,600			\$517,718	15.58%
Passaic City	New ES at Henry St.	NT-0019-B01	4/9/2013	8	Dobco, Inc.	9/18/2019	\$28,900,000	\$201,771	\$553,074	Y	6/5/2019	\$29,654,845	2.61%
Passaic City	New ES at Henry St.	NT-0019-B01	4/9/2013	9	Dobco, Inc.	9/19/2019	\$28,900,000	\$754,845	(\$8,952)	Y	6/5/2019	\$29,645,894	2.58%
Pemberton Township	Alexander Denbo E.S.	WT-0023-B01	2/14/2018	5	Ernest Bock & Sons, Inc.	9/19/2019	\$43,185,000	\$417,299	\$3,524			\$43,605,823	0.97%
Contractor									\$824,020				
Construction Services									\$824,020				
										Total Change Order Summary		Total Change Orders	
Grand Totals										(\$5,468,561)		13	

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)*

CONTRACTOR AND WORKFORCE COMPLIANCE REPORT



MEMORANDUM

TO: Members of the Authority

DATE: November 6, 2019

SUBJECT: Contractor and Workforce Compliance Monthly Update for August 2019

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

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

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

SMALL BUSINESS ENTERPRISE (SBE) COMPLIANCE MONITORING

The SDA regularly exceeds the State-mandated 25% SBE goal. The total SDA contract dollars awarded through August 31, 2019 was \$27,396,827. The figures below demonstrate compliance with this requirement.

SBE Breakdown

The total contract dollars awarded to all SBE contractors was \$8,251,148 (including minorities, women and veterans). This represents 30.12% of all SDA contracts.

Type of Business Enterprise	Contract Amount	% of Total SDA Contracts
Small Business Enterprises	\$ 6,253,970	22.83%
Small/ Minority Business Enterprises	\$ 458,000	1.67%
Small/Women Business Enterprises	\$ 1,539,178	5.62%
Small/Veteran Owned Business Enterprises	\$ -0-	0.00%
Small/Minority/Women Business Enterprises	\$ -0-	0.00%
TOTAL SBE CONTRACTS	\$ 8,251,148	30.12%

Members of the Authority
 Contractor and Workforce Compliance Monthly Update
 November 6, 2019
 Page 2 of 3

WORKFORCE COMPLIANCE MONITORING

For the month of August 2019, there was a contractor workforce of 843 on SDA projects. This represents a total of 69,173 contractor workforce hours as follows:

Contractor Workforce Breakdown (All Trades/Districts/Counties)			
Ethnicity	Total Workforce	Total Workforce Hours	Workforce Hours Percentage
Black	87	8,988	12.99%
Hispanic	145	10,711	15.48%
American Indian	2	205	0.30%
Asian	2	16	0.02%
Total Minority Participation	236	19,920	28.80%
Total Non-Minority Participation	607	49,253	71.20%

There was a contractor workforce of 556,328 total workforce hours and 9,496 total female workforce hours on SDA projects for the period of January 1, 2019 through August 31, 2019. The following table highlights the *Local County Contractor Workforce* participation for that period:

Local County Workforce Participation	Workforce Hours	Percentage
*Total Workforce Hours	556,328	100.00%
*Total Local County Workforce Hours	53,315	9.58%
Total Local County Non-Minority Workforce Hours	23,803	4.28%
Total Local County Female Workforce Hours	1,127	0.20%
Total Local County Minority Workforce Hours	29,512	5.31%
**Local County Workforce Hours by Ethnicity:		
Black	16,187	2.91%
Hispanic	13,301	2.39%
American Indian	0	0.00%
Asian	24	0.00%

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

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

Members of the Authority
 Contractor and Workforce Compliance Monthly Update
 November 6, 2019
 Page 3 of 3

The following table represents contractor and female workforce for all SDA active Capital Projects and all active and completed Emergent Projects for the period of January 1, 2019 through August 31, 2019.

SDA Managed Project	Total Workforce Hours	Minority Workforce Hours & Percentage		Local County Workforce Hours & Percentage	
Camden, HS	35,684	10,557	30.00%	1,370	3.84%
East Orange, George W Carver ES	63,974	26,227	40.99%	12,712	19.87%
Harrison, ES	41,951	14,022	33.42%	0	0.00%
Irvington, Madison Avenue ES	32,222	11,282	35.01%	7,171	22.25%
Millville, HS	75,543	22,367	29.61%	11,529	15.26%
Passaic, Leonard Place ES	14,108	1,689	11.97%	1,784	12.65%
Passaic, Dayton Avenue Campus	101,910	27,311	26.80%	4,070	3.99%
Pemberton, Denbo-Crichton ES	52,123	11,786	22.61%	1,267	2.43%
Perth Amboy, Seaman Avenue ES	42,862	6,896	16.09%	6,386	14.90%
Trenton, Central HS	83,213	24,300	29.20%	8,243	9.91%
Emergent Projects	12,323	6,850	55.59%	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: November 6, 2019

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

This report summarizes the Regular Operating District Grant activity from inception to date and for the month of September 2019. Also included is a detailed list of grants executed and grants offered during the reporting period.

Monthly Update:

- No grants were offered during the reporting period.
- No grants were executed during the reporting period.
- 10 grants impacting 7 districts were closed out during the reporting period representing \$8.5M in total project costs and state share of \$4.5M.
- Since inception, approximately \$2.9B has been disbursed to 524 regular operating districts through the grant program.
- Since inception over \$3.3B in funding has been approved by the Department of Education and offered to regular operating districts through the grant program.



STATE OF NEW JERSEY
SCHOOLS DEVELOPMENT AUTHORITY

Monthly Regular Operating District Grant Report - Summary

September 2019

ROD Grant Summary Since Program Inception				
	Offered ¹	Executed	Closed-Out	Active
Districts Impacted	2	524	514	119
Number of Grant Projects	4	5,405	4,959	446
Total Project Cost Estimate	\$ 4,624,267	\$ 8,949,928,765	\$ 8,452,543,441	\$ 497,385,324
Grant Amount	\$ 1,849,708	\$ 3,008,308,121	\$ 2,789,707,816	\$ 218,600,305
Amount Disbursed	N/A	\$ 2,896,355,088	\$ 2,789,707,816	\$ 106,647,272

Total Funding Offered to School Districts via Grant Program	\$ 3,342,209,450
Total ROD Grant Funding remaining for new Grant Projects	\$ 77,490,747

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

Monthly Activity ROD Grant Summary		
	Executed	Closed-Out
Districts Impacted	-	7
Number of Grant Projects	-	10
Total Project Cost Estimate	\$ -	\$ 8,514,150
Grant Amount	\$ -	\$ 4,507,386
Amount Disbursed	NA	\$ 4,507,386

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

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

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

COMMUNICATIONS MONTHLY REPORT *(no report)*

MONTHLY FINANCIAL REPORT

MEMORANDUM

TO: Members of the Authority

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

DATE: November 6, 2019

SUBJECT: Monthly Financial Report – September 2019

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

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

For September 2019 year to date, Authority operating expenses, **\$13.0 million**, are **\$2.0M** lower than budget for the *corresponding period*. The variance is primarily related to lower year to date personnel costs, **\$1.2 million**, which includes a **\$1.0M** decrease in payroll and benefits costs as a result of having 49 fewer FTEs than budgeted. Additionally, lower than anticipated spending related to facilities & general office expenses **\$221K** and information systems **\$251K** contributed to the variance.

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

For September 2019 year to date, Authority operating expenses, **\$13.0 million**, are **\$843K** higher when compared to the *corresponding prior year*. This variance is mainly attributable to an increase in personnel costs, **\$785K**, primarily due to the 2018 Authority restructuring. The Authority is projecting that this increase will gradually dissipate over the remaining months of the year due to the staff reductions in July 2019.

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

For September 2019 year to date, project expenditures, **\$228.0 million**, are **\$16.8 million** lower than the capital spending forecast for the *corresponding period*. This variance is primarily a result of lower than forecasted expenditures for grant activity **\$30M**, design services (net of cost recovery settlement) **\$4.5M**, property acquisitions **\$1.6M**, lower-than-projected payroll expense allocations **\$1.3M**, and other project related cost **\$3.2M**. These reductions are partially offset by an increase in construction activity **\$19.4M**, as well as school furniture, fixtures & equipment related spending **\$3.6M**.

Members of the Authority
November 6, 2019
Page 2

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

For September 2019 year to date, project expenditures, **\$228.0 million**, are lower by **\$8.3 million** when compared to the *corresponding prior year*. The variance is attributable to decreases in grant activity **\$34.2M**, project insurance costs **\$4.0M**, design services (net of cost recovery settlement) **\$4.6M**, and other project related costs **\$3.0M**. These decreases are partially offset by an increases in construction activity **\$30.7M**, and school furniture purchases **\$7.4M**.

Other

Since program inception, 85% of the funds authorized for the SDA Districts have been disbursed. Additionally, since program inception, 96% of all SDA disbursements relate to school facility projects and 4% relate to operating expense.

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

Attachment

New Jersey Schools Development Authority
Monthly Financial Report
September 2019
(Unaudited)

New Jersey Schools Development Authority Overview of Financial Position September 30, 2019

To: The Audit Committee

From: Sherman E. Cole, Controller

The information contained in this monthly financial report is for the period as of, and for the year-to-date ending, September 30, 2019.

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► Overall **Cash and Cash Equivalents** have decreased by \$235.4 million to \$304.4 million, as follows:

■ Receipt of bond and note proceeds (Issued by EDA)	\$ -
■ Investment earnings	7,420,661
■ Miscellaneous revenue	27,689
■ Project costs	(227,951,856)
■ SDA operating expenses	(13,666,246)
■ SDA capital expenditures	(439,216)
■ Deposits (primarily district local shares)	(814,012)
Net Change in Cash	\$ (235,422,980)

► **Prepaid Expenses** total \$312,715 as follows:

- Prepaid insurance of \$114,315.
- Prepaid rents of \$122,691 for the Authority's leased office space in Trenton and Newark.
- Prepaid MIS maintenance service contracts of \$47,012.
- Other prepaids of \$28,697.

► **Capital Assets** total \$843,650 (net of accumulated depreciation of \$6,666,431), consisting of leasehold improvements (SDA offices), and capitalized software, equipment, furniture and fixtures in support of SDA operations. Depreciation on capital assets is generally calculated using the straight-line method over the life of each asset. For the year to date, **Capital Expenditures** are \$343,924 and **Depreciation Expense** is \$135,256.

► **Accrued Liabilities** total \$105.1 million, as follows:

- Accrued project costs of \$24.6 million consisting of unpaid invoices (\$6.5 million) and retainage (\$18.1 million).
- Accrued net pension liability of \$49.8 million.
- Post-employment benefits obligation of \$25.3 million.
- Pollution remediation obligations (PRO) under GASB 49 net to \$3 thousand (PRO liability \$2.946 million, offset by expected cost recoveries of \$2.943 million).
- Estimated liability for loss contingencies totaling \$3.3 million.
- Payroll related liabilities of \$1.7 million.
- Other accrued liabilities of \$0.4 million.

► **Deposits** total \$2.8 million, as follows:

- \$2.7 million is held for local share agreements (pass-through item).

► The Authority's **Net Position** at month end is \$185.3 million.

New Jersey Schools Development Authority School Facilities Project Expenditures & Funding Allocation September 30, 2019

► School Facilities Construction Bond / Note Proceeds & Project Expenditures

- During the current year to date, the SDA has received \$0 million bond and note proceeds. The total amount of proceeds received since program inception is \$11.148 billion.
- Project expenditures for the month and year-to-date periods total \$27.5 million and \$228.0 million, respectively, as follows:

<u>Category</u>	<u>Current Month</u>	<u>Current Year-To-Date</u>	<u>Since Program Inception</u>
Construction	\$ 18,537,742	155,478,749	\$ 5,013,895,206
Design Services	(71,444)	(2,954,996)	410,716,312
PMF/CM Services	536,711	4,560,257	461,001,044
SDA Project Management	1,301,934	10,430,024	95,655,980
Property Acquisition, Relocation & Enviro	168,719	1,433,377	579,760,897
School Furniture, Fixtures & Equipment	1,899,221	17,138,249	183,369,157
Project Insurance	307,288	2,403,147	108,617,551
NJ State Inter-Agency Transfers	-	318,213	50,284,206
SDA District Grant & Funding Agreements	1,312,269	3,674,543	875,575,687
Regular Operating District Grant Agreements	3,381,439	33,867,555	2,905,287,639
Real-Time Project Audits	-	-	628,000
Property Management, Maintenance & Utils	31,423	765,310	18,139,610
Outside Legal & Claims Resolution Services	62,334	803,150	10,384,623
Temporary Staffing	74,852	651,299	10,384,223
Other Project Costs	39	194,310	60,156,509
Project Credits	-	-	(54,902,944)
Total Project Expenditures	27,542,527	228,763,187	10,728,953,700
Less: Local Share Contributions	(64,395)	(811,331)	(184,327,468)
Project Expenditures (State Share)	\$ 27,478,132	\$ 227,951,856	\$ 10,544,626,232
 2019 Capital Spending Forecast	 \$ 30,543,434	 \$ 244,753,753	

Allocations Since Program Inception

► Program Funding & Expenditures

	<u>Bonding Caps</u> ¹	<u>Total Funding</u> ²	<u>Paid to Date</u> ³
■ SDA Districts	\$ 8,900,000,000	\$ 9,023,610,712	\$ 7,676,463,217
■ Regular Operating Districts	3,450,000,000	3,498,880,219	3,224,670,209
■ Vocational Schools	150,000,000	151,953,347	119,444,049
Total - State Share	\$ 12,500,000,000	\$ 12,674,444,278	\$ 11,020,577,475

► Percentage of Total Funding Paid to Date

■ SDA Districts	85.1%
■ Regular Operating Districts	92.2%
■ Vocational Schools	78.6%
Total - State Share	87.0%

1 Of the \$12.5 billion authorized for the school construction program, \$11,147,702,648 principal amount of bond and note proceeds have been received to date.

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

3 These amounts include the allocation of SDA operating expenses and capital expenditures totaling \$475,951,243.

New Jersey Schools Development Authority Fund Reporting Operating Expenses vs Budget September 30, 2019

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<u>Category</u>	<u>Actual</u> <u>Year-To-Date</u>	<u>Budget</u> <u>Year-To-Date</u>	<u>Over/</u> <u>(Under)</u>
Personnel Expenses:			
Employee Salaries	\$ 14,006,749	\$ 15,421,826	\$ (1,415,077)
Employee Benefits	6,216,748	6,960,164	(743,416)
Direct Hire Temporary Employee Costs	30,487	121,104	(90,617)
Total Employee Salaries & Benefits Costs	20,253,984	22,503,094	(2,249,110)
Less: Employee Salaries & Benefits Costs Charged to Projects	10,430,024	11,717,502	(1,287,478)
Salaries & Benefits Charged to Operating Expense	9,823,960	10,785,592	(961,632)
Temporary Staffing Services	2,003	112,500	(110,497)
Travel & Expense Reimbursements	13,330	33,807	(20,477)
Training & Professional Development	22,171	115,628	(93,457)
Total Personnel Expenses	9,861,464	11,047,527	(1,186,063)
Non-Personnel Operating Expenses:			
Facilities & General Office Expenses	1,807,096	2,027,757	(220,661)
Information Systems	733,186	983,997	(250,811)
Professional & Other Contracted Services	262,381	404,625	(142,244)
Property & Casualty Insurance	260,539	260,244	295
SDA-Owned Automobiles	64,721	166,247	(101,526)
Communications & Outreach	6,927	75,006	(68,079)
Reserve for Unforeseen Events & New Initiatives	-	37,503	(37,503)
Total Authority Operating Expenses	\$ 12,996,314	\$ 15,002,906	\$ (2,006,592)

2019 Annual Operating Budget

\$ 19,224,222

**New Jersey Schools Development Authority
Capital Expenditures
September 30, 2019**

Description of Capital Item:	Budget Year	Budget Amount	Capital Expenditures		
			2019	Pre-2019	Total
Leasehold Improvements		\$ -	\$ -	\$ -	\$ -
Office Furniture & Equipment		-	-	-	-
CM Computer Software System:					
Estimated SDA Staff Time	2019	450,000	-	-	-
Purchase & Development	2019	1,000,000	-	-	-
Purchase & Development	2018	1,500,000	343,924	162,544	506,468
Total Capital Items		\$ 2,950,000	\$ 343,924	\$ 162,544	\$ 506,468

New Jersey Schools Development Authority Fund Reporting Operating Expenses vs Prior Year September 30, 2019

<u>Category</u>	<u>Actual Year-To-Date</u>	<u>2018 Year-To-Date</u>	<u>Over/ (Under)</u>
Personnel Expenses:			
Employee Salaries	\$ 14,006,749	\$ 13,373,584	\$ 633,165
Employee Benefits	6,216,748	5,986,356	230,392
Direct Hire Temporary Employee Costs	30,487	92,358	(61,871)
Total Employee Salaries & Benefits Costs	20,253,984	19,452,298	801,686
Less: Employee Salaries & Benefits Costs Charged to Projects	10,430,024	10,479,404	(49,380)
Salaries & Benefits Charged to Operating Expense	9,823,960	8,972,894	851,066
Temporary Staffing Services	2,003	58,952	(56,949)
Travel & Expense Reimbursements	13,330	13,071	259
Training & Professional Development	22,171	31,673	(9,502)
Total Personnel Expenses	9,861,464	9,076,590	784,874
Non-Personnel Operating Expenses:			
Facilities & General Office Expenses	1,807,096	1,844,969	(37,873)
Information Systems	733,186	725,893	7,293
Professional & Other Contracted Services	262,381	201,203	61,178
Property & Casualty Insurance	260,539	255,232	5,307
SDA-Owned Automobiles	64,721	48,823	15,898
Communications & Outreach	6,927	459	6,468
Reserve for Unforeseen Events & New Initiatives	-	-	-
Total Authority Operating Expenses	\$ 12,996,314	\$ 12,153,169	\$ 843,145

New Jersey Schools Development Authority

Employee Headcount

September 30, 2019

	<u>Current Month End</u>	<u>Budget</u>	<u>Over/ (Under)</u>
Office of Chief Executive Officer	4	3	1
Human Resources	4	5	(1)
Communications	2	5	(3)
Information Systems	15	15	-
Central Records Management	3	3	-
Legislative Affairs	1	2	(1)
Office of Program Operations & Strategic Planning	2	3	(1)
Capital Planning & Program Operations	4	9	(5)
Design Studio	18	20	(2)
Grants Administration	12	13	(1)
Real Estate Services & Predevelopment	9	8	1
Vendor Development	5	3	2
Office of Construction Operations	0	1	(1)
Project Teams	33	39	(6)
Office of Corporate Governance & Legal Affairs	5	5	-
Chief Counsel	11	13	(2)
Safety	6	6	-
Internal Audit	3	4	(1)
Office of Chief Financial Officer	2	1	1
Financial Operations	10	11	(1)
Financial Accounting & Disbursements	13	13	-
Procurement	9	9	-
Risk Management	8	9	(1)
Property Management	4	5	(1)
Facilities	4	7	(3)
Office of Chief of Staff	0	5	(5)
Community Engagement	0	3	(3)
Policy	0	2	(2)
Business and Workforce Diversity	0	11	(11)
Office of Administrative Operations	0	3	(3)
Total Full-Time Employees at Month End	<u>187</u>	<u>236</u>	<u>(49)</u>
Total Full-Time Employees at Year End		<u>257</u>	

New Jersey Schools Development Authority

Statement of Net Position

September 30, 2019

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	<u>Current</u> <u>Month End</u>	<u>2018</u> <u>Year End</u>	<u>Over/</u> <u>(Under)</u>
ASSETS			
Cash and Cash Equivalents	\$ 304,371,575	\$ 539,794,555	\$ (235,422,980)
Receivables	27,657	29,828	(2,171)
Prepaid Expenses	312,715	87,623	225,092
Capital Assets (Net of Accumulated Depr.)	843,650	634,982	208,668
Total Assets	<u>305,555,597</u>	<u>540,546,988</u>	<u>(234,991,391)</u>
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Amount for Pensions & OPEB	11,812,216	14,326,957	(2,514,741)
TOTAL ASSETS & DEFERRED OUTFLOWS OF RESOURCES			
	<u>\$ 317,367,813</u>	<u>\$ 554,873,945</u>	<u>\$ (237,506,132)</u>
LIABILITIES			
Accrued Project Costs	\$ 27,857,994	\$ 50,321,484	\$ (22,463,490)
Net Pension Liability	49,778,974	49,778,974	-
Accrued Other Post-Employment Benefits	25,274,307	23,738,116	1,536,191
Other Accrued Liabilities	2,143,308	5,196,880	(3,053,572)
Deposits	2,802,124	3,616,136	(814,012)
Total Liabilities	<u>107,856,707</u>	<u>132,651,590</u>	<u>(24,794,883)</u>
DEFERRED INFLOWS OF RESOURCES			
Deferred Amount for Pensions & OPEB	24,205,955	24,205,955	-
NET POSITION			
Invested in Capital Assets	843,650	634,982	208,668
Restricted for Schools Construction:			
Special Revenue Fund	184,461,501	397,381,418	(212,919,917)
Net Position	<u>185,305,151</u>	<u>398,016,400</u>	<u>(212,711,249)</u>
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES & NET POSITION			
	<u>\$ 317,367,813</u>	<u>\$ 554,873,945</u>	<u>\$ (237,506,132)</u>

New Jersey Schools Development Authority
Statement of Activities
September 30, 2019

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	<u>Current</u> <u>Year-To Date</u>	<u>2018</u> <u>Year-To Date</u>	<u>Over/</u> <u>(Under)</u>
REVENUES			
Program Revenues:			
Bond and Note Proceeds (Issued by EDA)	\$ -	\$ -	-
Bidding Fees-Plans & Specs	-	-	-
General Revenues:			
Investment Earnings	7,420,661	5,127,039	2,293,622
Rental Income	25,129	3,677	21,452
Other Revenue-OPRA	2,560	2,592	(32)
Total Revenues	<u>7,448,350</u>	<u>5,133,308</u>	<u>2,315,042</u>
EXPENSES			
Administrative & General Expenses	14,532,504	13,781,937	750,567
Capital Depreciation	135,256	157,028	(21,772)
School Facilities Project Costs	205,491,839	215,913,495	(10,421,656)
Total Expenses	<u>220,159,599</u>	<u>229,852,460</u>	<u>(9,692,861)</u>
CHANGE IN NET POSITION	(212,711,249)	(224,719,152)	12,007,903
Beginning of Period Net Position	398,016,400	392,740,734	5,275,666
NET POSITION END OF PERIOD	<u>\$ 185,305,151</u>	<u>\$ 168,021,582</u>	<u>\$ 17,283,569</u>

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

PUBLIC COMMENT STATEMENT

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

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

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