

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD MEETING
WEDNESDAY, MARCH 4, 2020 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 February 5, 2020
 - b. Board Executive Session Meeting Minutes of February 5, 2020
- 5. AUTHORITY MATTERS**
 - a. CEO Report
 - i. Appointment of Records Custodian
 - b. Chairman's Report
- 6. REPORT AND RECOMMENDATIONS OF THE AUDIT COMMITTEE (CHAIRMAN'S REPORT)**
- 7. REPORT AND RECOMMENDATIONS OF THE SCHOOL REVIEW COMMITTEE (CHAIRMAN'S REPORT)**
 - a. Extension of Existing Regulations: Notice of Readoption without Amendments – Procurement of Design-Build Contracts N.J.A.C. 19:36
- 8. MONTHLY REPORTS**
 - a. *For Informational Purposes*
 - i. Active Projects Report
 - ii. Project Close Out Status Report
 - iii. Project Status Reports
 - iv. Contracts Executed Report/Amendments & Change Orders Executed Report
 - v. Contract Terminations Report (*no activity*)
 - vi. Settlement Activities Report (*no activity*)
 - vii. Diversity and Workforce Participation Report
 - viii. Regular Operating District Grant Activity Report
 - ix. Notification of Amendments to Goods and Services Contracts Not Exceeding \$100,000 or 10% of the Contract Value (*no activity*)
 - x. Communications Report (*no report*)
 - xi. Monthly Financial Report (*no 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

FEBRUARY 5, 2020 OPEN SESSION MINUTES

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS MEETING
WEDNESDAY, FEBRUARY 5, 2020**

A meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, February 5, 2020 at 9:00 A.M. at the offices of the Authority at 32 East Front Street, Trenton, New Jersey.

Participating were:

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

being all the Members of the Board. Mr. Egan, Mr. Elbert, Mr. Kanef, Ms. Lemelle, Mr. Lewis-Powder, and Mr. Piaia participated in the meeting by teleconference.

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

The meeting was called to order by the Chairman of the Board, Mr. Nixon, who requested that 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 Chairman, the Members and all assembled stood and recited the Pledge of Allegiance.

Approval of Meeting Minutes

The Chairman then presented the January 8, 2020 minutes of the Authority's Annual Organizational Board meeting. A copy of the minutes and a resolution were provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Vargas and seconded by Mr. Maloney, the SDA's January 8, 2019 Organizational Board meeting minutes were approved by the Board upon its unanimous vote in favor of the resolution attached hereto as ***Resolution 4a.***

Next, Mr. Nixon presented for consideration and approval the minutes of the Board's January 8, 2020 Open Session meeting. A copy of the meeting minutes and a resolution had been provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Luckie and seconded by Mr. Vargas, the Open Session meeting minutes of the January 8, 2020 SDA Board meeting were approved by the Board upon its unanimous vote in favor of the resolution attached hereto as ***Resolution 4b.***

Finally, Mr. Nixon presented for consideration and approval the minutes of the Board's January 21, 2020 Open Session meeting. A copy of the meeting minutes and a resolution had been provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Vargas and seconded by Mr. Maloney, the Open Session meeting minutes of the January 21, 2020 SDA Board meeting were approved by the Board upon its unanimous vote in favor of the resolution attached hereto as *Resolution 4c*.

Authority Matters

CEO Report

The Chairman then asked Mr. Da Silva for the Report of the CEO. Mr. Da Silva gave an update on projects in the procurement stage. He said that a recommendation for award is on today's agenda for the Plainfield Woodland ES project.

Mr. Da Silva reported that for the Keansburg Port Monmouth Road School, a project in the constructability stage, the initial review meeting is scheduled for today with Niram, Inc. and SDA's engaged construction management firm, Pinnacle Consulting & Construction Services.

With respect to design-build projects in the design phase, Mr. Da Silva informed the Members that for the Perth Amboy HS project, the design-builder has commenced existing site verification activity as well as design phase services. He added that the previous month the SDA advertised for construction management services and proposals are due later this month.

Turning to design-build projects in construction, Mr. Da Silva reported that for the Paterson Union Avenue MS project, design phase services are ongoing. He said that pile caps and grade beam installation work is ongoing, as is underground utilities work. For the Camden HS project, he advised that Ernest Bock & Sons, Inc. continues with design phase services. He added that masonry work continues and exterior metal stud work has begun on the building. He

noted that Department of Community Affairs issued full plan release and permits in December 2019. Mr. Da Silva said that for the East Orange George Washington Carver ES project, interior work is ongoing. He reported that for the Harrison New ES project, mechanical, electrical and plumbing (MEP) rough-in and building enclosure are ongoing and final utility connections are being completed. He added that roofing, window installation and finish work activities are ongoing.

In continuing, Mr. Da Silva informed the Members that Hall Construction continues with design phase services for the Millville HS addition and renovations project. He added that Phase II interior finish activities have begun, Phase III structural steel activities are complete, and exterior masonry work is ongoing. With respect to the Passaic Dayton Avenue Educational Campus project, he said that exterior brick veneer work is ongoing. He advised that MEP framing work and interior concrete masonry unit wall installation activities are ongoing throughout the building. He noted that all rough interior work is ongoing. For the Pemberton Denbo Crichton ES project, he advised that finish work has commenced on the first floor areas, lighting fixtures are being installed throughout the building, and HVAC units are being set up and started.

Next, Mr. Da Silva gave an update on design-bid-build projects in the construction stage. He reported that the construction notice-to-proceed (NTP) was issued last month for the Orange Cleveland Street ES project. He said that site mobilization by Brockwell & Carrington, the general contractor, is anticipated next week. He said that the construction NTP was issued the previous week for the Orange HS project. He added that site mobilization by Terminal Construction, the general contractor, is anticipated this week.

With respect to projects in the programming stages, Mr. Da Silva reported that program modifications have been finalized for the Hoboken Demarest ES project. He said that SDA's

engaged design consultant, DRG, has completed its initial report on existing building conditions. He added that options for application of the program within the existing building are being developed. For the Union City New Grade 7 to 9 School project, he reported that programming refinement discussions and SDA in-house design development are both ongoing.

Mr. Da Silva advised the Members that in 2020 SDA will be delivering the Harrison New ES project, Pemberton Denbo Crichton ES project and the East Orange George Washington Carver ES project.

Audit Committee

Mr. Nixon, as Audit Committee Chairman, reported that the Audit Committee met on January 14, 2020 for management's presentation of the 2019 SDA Statewide Strategic Plan for SDA Districts (Plan). He noted that the Strategic Plan was approved by the full Board on January 21, 2020.

In continuing, Mr. Nixon said that the Committee also met on January 21, 2020 at which time management presented the December 2019 New Funding Allocation and Capital Plan Update report. He advised that during the reporting period there were no changes in any of the SDA District reserve balances. He added that the reserve balance for the Regular Operating Districts (RODs) increased by \$2 million during the reporting period due to a reduction in state share for grant projects nearing completion.

In continuing, Mr. Nixon reported that staff provided the Committee with an informational update regarding the Builder's Risk Insurance portion of the Authority's Owner Controlled Insurance Program (OCIP). He explained that Builder's Risk Insurance is purchased to insure SDA construction projects from unexpected losses due to fire, lightning and similar forces during construction. He advised that the Authority's current insurance provider has opted not to extend the Authority's existing policy. Mr. Nixon said that the Authority's insurance broker is

marketing a new program for coverage. He added that the broker will be performing this service within the previously negotiated fee for their services to obtain extensions of coverage.

Lastly, Mr. Nixon advised that one item the Committee discussed requires Board action, i.e. management's proposed Human Resources (HR) Consulting Services Award. Referencing materials that previously were provided for Board review, he reminded the Members that at the August 7, 2019 Board meeting he had recommended that the SDA engage the services of a HR consultant to review and formulate improvements to the SDA's HR function. He explained that, as proposed, the Consultant would be responsible for reviewing and recommending enhancements for job descriptions, functional responsibilities and compensation levels, along with operational efficiency evaluations. He said that the Consultant also will be required to participate in bi-weekly progress meetings with SDA staff and be available to participate in discussions with the Board and Audit Committee upon request. Mr. Nixon said that on November 19, 2019 the SDA initiated a procurement for the Consultant services. He said that Mr. Vargas and Mr. Maloney joined him on the selection committee. He explained that the Committee evaluated the written proposals and conducted interviews with the responding firms. He advised that, upon completion of the procurement process, the Committee recommends award of the contract, in the total lump sum amount of \$94,750, to the highest ranked firm, Cowden Associates, Inc., to provide the Consultant services. Mr. Nixon said that the process will be fast moving, noting that Consultant has been asked to complete their work by July 2020. He said that, upon completion, direction would be given, if needed, to update titles, compensation levels, and the SDA salary guide. He said that direction will also be given to implement any operational efficiency recommendations that may be identified. Mr. Nixon thanked Mr. Maloney and Mr. Vargas for their participation on the selection committee. Mr. Luckie asked if a Director of Human Resources has been hired. Mr. Da Silva responded that the

SDA has received resumes and the selection committee is presently in the process of reviewing those resumes. He advised that a recommendation will be forthcoming. Mr. Nixon said that the Authority has not had a Human Resources review in over a decade and noted that compensation, job titles and efficiencies may require updating. Mr. Luckie suggested that the new Director of HR be hired prior to the completion of the HR audit so that he or she can have input into the proposed changes. Mr. Da Silva responded that the new Director would be hired prior to completion of the review. Mr. Nixon suggested that any significant issues that that may be identified be brought to the Board.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon a motion duly made by Mr. Vargas and seconded by Mr. Luckie, the Board approved the proposed award for Human Resources Consulting Services with its unanimous vote in favor of *Resolution 6a*

School Review Committee

2019 SDA Statewide Strategic Plan for SDA Districts; Credit Change Order No. 1 – TCI Construction & Management, Inc.; Design-Build Award and Final Project Charter – Plainfield Public School District, Woodland New Elementary School

Mr. Nixon then asked Mr. Luckie to provide the report of the School Review Committee (SRC). Mr. Luckie reported that the SRC met on January 15, 2020 and on January 21, 2020. He advised that at the January 15 Committee meeting, Andrew Yosha presented the 2019 SDA Statewide Strategic Plan for SDA Districts. He noted that, as the Chairman previously reported, the Plan has been approved by the Board of Directors.

In continuing, Mr. Luckie said that at the SRC meeting held January 21, 2020, two items were discussed. He said that management is seeking approval of a credit change order in connection with the Paterson New Roberto Clemente Community School (School). He explained that the School is a 109,000 square foot facility educating 682 students in grades six through

eight. He said that in June 2017 the Board approved the award of a construction contract to TCI Construction & Management, Inc. (TCI) in the not-to-exceed (NTE) amount of \$1,755,475 to address power supply fluctuations and other needed repairs at the School. He reminded the Members that the Board had also approved the release of funds from the SDA's program reserve for the work and the final charter representing the project budget for construction, appropriate contingency, allowances, SDA staff costs, other costs, and prior allocation of funds for design services. Mr. Luckie explained that the contract with TCI represented the most comprehensive potential scope of work for addressing the emergent conditions at the School. He informed the Members that a subsequent investigation performed by TCI enabled staff to determine that a less extensive scope of work was appropriate to address the conditions, which resulted in the need to expend less than what had been included in the NTE value. He said that management is requesting that the Board approve Credit Change Order No. 1 to TCI representing the dollar value of \$531,593.54 which is the remaining unused balance of the contract. He noted that execution of this change order is necessary for the release of final payment and to advance contract closeout, as well as closeout activities for the School project.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion by Mr. Vargas, and seconded by Mr. Lewis-Powder, the Board approved the proposed Credit Change Order No. 1 with its unanimous vote in favor of ***Resolution 7a***.

Next, Mr. Luckie said that the Committee is recommending approval of a design-build award and final charter for the Plainfield Woodland New ES project (Project). He reported that the Project involves construction of an approximately 120,000 square foot building to educate 756 students in grades Kindergarten through 5. He said that in April 2018 the Board approved a revised preliminary charter for the project, thereby approving the demolition of the then-existing Woodland ES and construction of a new elementary school facility. He noted that the Board also

authorized related site development work utilizing in-house design and a design-build project delivery method. He explained that the new school will replace the Woodland and Cook Elementary Schools, neither of which satisfied Department of Education Facilities Efficiency Standards. Mr. Luckie informed the Members that a package for design-build services was advertised beginning August 29, 2019 with “price” weighted as 60% of the overall weight and all “non-price factors” having a combined weight of 40%. He said that, upon completion of the competitive procurement process, management and staff recommend award of the contract to the highest ranked bidder, Epic Management, Inc. (Epic). He noted that the contract amount is \$45,335,000, inclusive of SDA-established allowances totaling \$1,400,000. He advised that Epic has confirmed that its price proposal is inclusive of all scope elements contained in the contract documents. He said that, in addition to the contract award, management recommends that the Board approve the Project’s final charter representing all expended and projected funds necessary for completion of the Project.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion by Mr. Vargas, and seconded by Mr. Maloney, the Board approved the proposed design-build award and final charter for the Plainfield Woodland New ES project with its unanimous vote in favor of ***Resolution 7b***.

Public Comments

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

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

Following discussion in Executive Session, the Board returned to Open Session.

Mr. Vargas said that, following discussion in Executive Session, the Real Estate Committee recommends that the Board authorize management to exercise two options to extend a lease to provide temporary facilities during construction of the Orange Cleveland Street Elementary School project. Upon motion duly made by Mr. Luckie and seconded by Mr. Maloney, the Board approved the Committee's recommendation in this matter with its unanimous vote in favor of ***Resolution A1***.

Next, Mr. Vargas said that the Real Estate Committee recommends that the Board approve management's request for authorization to enter into an agreement with the City of Trenton and Trenton School District whereby SDA consents to the disposition and redevelopment of certain real property in connection with the former Trenton Early Childhood Center Project. Upon motion duly made by Mr. Luckie and seconded by Mr. Piaia, the Board approved the Committee's recommendation in this matter with its unanimous vote in favor of ***Resolution A2***.

Adjournment

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

Certification: The foregoing represents a true and complete summary of the actions taken by the Board of the New Jersey Schools Development Authority at its February 5, 2020 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 February 5, 2020 Board meeting of the New Jersey Schools Development Authority, for the Open and Executive Sessions were forwarded to the Governor on February 5, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the minutes of the New Jersey Schools Development Authority's February 5, 2020 Open and Executive Session meetings are hereby approved.

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

Dated: March 4, 2020

AUTHORITY MATTERS

CEO REPORT

APPOINTMENT OF RECORDS CUSTODIAN



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

To: Members of the Authority
From: Jane F. Kelly, Vice President, Corporate Governance & Legal Affairs
Date: March 4, 2020
Subject: Appointment of Records Custodian

Pursuant to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.), requests by members of the public for public documents shall be handled by a public entity's "Records Custodian". The Act defines "Records Custodian as the "...officer officially designated by formal action of that agency's director or governing body..." to perform this function.

In a meeting held August 7, 2019, the Board designated Jane Folmer-Kelleher to serve as the Authority's Records Custodian on an interim basis. Management now recommends that Ms. Folmer-Kelleher be elected by the Members to serve as SDA's Records Custodian.

In addition to her recent service as Interim Records Custodian, Ms. Folmer-Kelleher also managed the Authority's OPRA function from June 2006 through June 2008. She is thus well qualified to serve as SDA's Records Custodian.

Management recommends that the Members of the Authority elect Jane Folmer-Kelleher to serve as the SDA's Records Custodian until such time as her successor shall be named.

Resolution — 5ai.**Election of Records Custodian
New Jersey Schools Development Authority****Resolution**

WHEREAS, the New Jersey Schools Development Authority (SDA or the Authority), a public entity, is subject to the requirements of New Jersey's Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq.; and

WHEREAS, the OPRA provides that requests by members of the public for public documents shall be handled by a public entity's Records Custodian who shall be officially designated by formal action of that entity's governing body; and

WHEREAS, between June 2006 and June 2008, Jane Folmer-Kelleher managed the SDA OPRA function and is thus well qualified to serve as Records Custodian for the Authority; and

WHEREAS, Jane Folmer-Kelleher was elected by the Board on August 7, 2019 to serve as the Authority's Interim Records Custodian; and

WHEREAS, management now recommends that the Members of the Authority elect Jane Folmer-Kelleher to serve as the SDA's Records Custodian until such time as her successor shall be elected by the Board.

NOW, THEREFORE, BE IT RESOLVED, that, consistent with the memorandum presented to the Board on this date, the Members of the Authority hereby elect Jane Folmer-Kelleher to the position of SDA Records Custodian and authorize her to serve in that role until such time as her successor shall be elected by the Board.

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, Election of SDA Records Custodian, dated March 4, 2020

Date: March 4, 2020

CHAIRMAN'S REPORT

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

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

**EXTENSION OF EXISTING REGULATIONS: NOTICE OF READOPTION
(WITHOUT AMENDMENTS) - PROCUREMENT OF DESIGN-BUILD CONTRACTS
N.J.A.C. 19:36**



MEMORANDUM

TO: Members of the Authority

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

DATE: March 4, 2020

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

On February 6, 2013 the Members of the NJSDA Board approved for final adoption regulations for the Procurement of Design-Build Contracts, N.J.A.C. 19:36 (“the Rules”). The Rules were formally published in the New Jersey Register on March 4, 2013 and will expire on March 4, 2020.

Management of the Authority now seeks the Members’ ratification of the filing of a Notice of Readoption to extend the expiration of the Rules, an expedited process that permits regulations to be readopted, without amendments, and without prior publication or public comment, pursuant to a filing of the Notice of Readoption with the Office of Administrative Law, at least thirty days prior to the expiration of the regulations. Due to the expiration of the Rules on March 4, a Notice of Readoption has already been sent to the Office of Administrative Law to meet the statutory 30-day filing requirement, but processing of the readoption and extension is suspended pending the Board’s ratification of the Notice.

This Notice of Readoption process is typically used by State agencies and authorities to seek additional time to review or modify existing rules, or to ensure that underlying rules do not expire while the agency pursues substantive amendments through the normal proposal, publication, public comment and adoption process. While the Notice of Readoption process effects readoption of the rules, and therefore automatically extends the rules for the normal seven-year rule duration, it is the intention of Management to act in short order to develop any amendments needed to correct or improve the Rules, and to submit any proposed amendment to external entities for review and validation, before seeking approval from the Board for a proposed readoption with amendments to the Rules.

Background

As noted above, the proposed Notice of Readoption process will involve no amendments or modification to the Rules, and upon readoption the Rules will remain in their current form. The

Rules establish requirements, standards and procedures for the Authority's procurement of Design-Build Contracts. A full copy of the Rules is provided with this memorandum.

The Rules address the selection of a design-builder using a price and other factors methodology authorized by statute; the advertisement of a Request for Qualifications and Request for Proposals describing the procurement process and the evaluative criteria; the composition and responsibilities of a selection committee created to evaluate participating bidders and their design-build teams; measures to disclose and avoid of conflicts of interest by members of design-build teams; requirements for the design-builder to retain and provide access to project records; requirements for disclosure and publicity; grounds for rejection of technical proposals; prohibition on fraudulent statements in submissions by design-builders; considerations for the optional provision of stipends; procedures for contract execution; procedures for protests and hearings; procedures for the deletion or substitution of key team members named in the technical proposal; and procedures and requirements for performance evaluations of design-builders.

Requested Board Action

The Members of the Authority are requested to ratify the use of the Notice of Readoption process to effect the readoption and extension of the Rules, utilizing the attached Notice of Readoption filed with the Office of Administrative Law, which, upon ratification, will be processed for publication in the New Jersey Register. This readoption and extension will permit further review of the existing rules, consideration of any needed amendments, and opportunity to secure required external reviews of any proposed modifications before proceeding with a full proposal and adoption of any such amendments.

/s/Jane F. Kelly

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

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

JFK/ceh

OTHER AGENCIES

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Notice of Readoption

Procurement of Design-Build Contracts

Readoption: N.J.A.C. 19:36

Authority: N.J.S.A. 52:18A-238k

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

Effective Date: January 22, 2020.

New Expiration Date: January 22, 2027.

Take notice that, in accordance with N.J.S.A. 52:14B-1, the rules at N.J.A.C. 19:36 were to expire on March 4, 2020. Chapter 34B establishes the requirements, standards, and procedures for procurement of design-build contracts by the New Jersey Schools Development Authority (SDA). The rules address the selection of a design-builder using a price and other factors methodology authorized by statute; the advertisement of a Request for Qualifications and Request for Proposals describing the procurement process and the evaluative criteria; the composition and responsibilities of a selection committee created to evaluate participating bidders and their design-build teams; measures to disclose and avoid of conflicts of interest by members of design-build teams; requirements for the design-builder to retain and provide access to project records; requirements for disclosure and publicity; grounds for rejection of technical proposals; prohibition on fraudulent statements in submissions by design-builders; considerations for the optional provision of stipends; procedures for contract execution; procedures for protests and hearings;

NEW JERSEY ADMINISTRATIVE CODE
Copyright © 2014 by the New Jersey Office of Administrative Law

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 46 No. 13, July 7, 2014 ***

TITLE 19. OTHER AGENCIES
NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
CHAPTER 36. PROCUREMENT OF DESIGN BUILD CONTRACTS

N.J.A.C. 19:36 (2014)

Title 19, Chapter 36 -- Chapter Notes

CHAPTER AUTHORITY:

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

CHAPTER SOURCE AND EFFECTIVE DATE:

R.2013 d.053, effective March 4, 2013.

See: 44 N.J.R. 1318(a), 45 N.J.R. 752(a).

CHAPTER EXPIRATION DATE:

Chapter 36, Procurement of Design Build Contracts, expires on March 4, 2020.

CHAPTER HISTORICAL NOTE:

Chapter 36, P.L. 2000, c.72, Section 5(s) Community Early Childhood Education Facilities, was adopted as R.2003 d.449, effective November 17, 2003. See: 35 N.J.R. 2603(a), 35 N.J.R. 5251(b). Chapter 36, P.L. 2000, c.72, Section 5(s) Community Early Childhood Education Facilities, expired on November 17, 2008.

Chapter 36, Procedures for Procurement of Design Build Contracts for School Facilities Projects for the Schools Construction Program, was adopted as special new rules by R.2009 d.102, effective February 27, 2009. See: 41 N.J.R. 1513(a).

Pursuant to Executive Order No. 1(2010), the chapter expiration date was extended from February 27, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule was readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. See: 44 N.J.R. 1318(a).

Chapter 36, Procedures for Procurement of Design Build Contracts for School Facilities Projects for the Schools Construction Program, was readopted as R.2013 d.053, effective March 4, 2013. As a part of R.2013 d.053, Chapter 36 was renamed Procurement of Design Build Contracts; and Subchapter 9, Performance Evaluations, was adopted as new rules, effective April 1, 2013. See: Source and Effective Date. See, also, section annotations.

§ 19:36-1.1 Purpose and applicability of rules

(a) These rules are adopted by the New Jersey Schools Development Authority (the "Development Authority," "Authority" or "SDA") to establish requirements and procedures for the procurement of design-build contracts. Section 4 of P.L. 2007, c. 137 confers broad powers on the Development Authority to enter into contracts for the "planning, design, construction, reconstruction, improvement, equipping, furnishing, operation, and maintenance" of a school facilities project. This statutory authority includes the procurement of design, construction, and other project-related services in one contract when the Authority determines that a single point of responsibility for a combination of these services is in the best interests of a school facilities project.

(b) These rules allow for the Authority to engage a design professional pursuant to *N.J.A.C. 19:38C*, as a "bridging architect," for the duration of the school facilities project, to prepare a design-build information package, which outlines the conceptual program, schematic design, and performance specifications to be followed by the design-builder, and review the work of the design-builder to ensure that the design meets the requirements of the Authority and the SDA school district. The rules further allow for the engagement of a construction manager (CM) by the Authority to serve as the Authority's representative during the school facilities project and provide such services as project oversight and reporting, value engineering services, and cost estimating.

(c) These rules provide for the Authority to select design-builders according to the proposals that are the most advantageous to the SDA, based upon a "best value selection" process premised on a combination of cost and qualitative factors, with consideration given to price at least equal to the consideration given to all other factors combined. The rules provide for the following two-phase selection process:

1. The public advertisement of a request for qualifications (RFQ) that describes the school facilities project, outlines the scope of work for the project and solicits responses outlining the qualifications of bidders; and
2. The issuance of a request for proposals (RFP) to a "short list" of bidders, selected on the basis of their responses to the RFQ, which outlines the criteria to be used for selection and the weight that will be given to each of these criteria in the evaluation process, and which solicits technical and price proposals.

(d) These rules further provide for a technical evaluation committee, comprised of representatives of the Authority and the SDA school district, to provide technical review and evaluation services, including evaluating and ranking the qualifications of bidders during the RFQ process and evaluating and scoring technical proposals submitted to the Authority in response to an RFP.

(e) Design-build project delivery offers the potential for such benefits as a shorter overall design and construction process, greater cost reliability and reduced risk through enhanced project coordination. In order to achieve such results, these rules provide the Authority with the flexibility to adjust the design-build process, for example, to vary the level of design in the initial design-build information package and/or select and weight the qualitative factors to be addressed in a technical proposal according to the specific needs and complexities of the school facilities project.

§ 19:36-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Act" means the Educational Facilities Construction and Financing Act, P.L. 2000, c. 72 (*N.J.S.A. 18A:7G-1 et seq.*), as amended, and P.L. 2007, c. 137, which authorizes the school construction program.

"Best value selection" means a selection process in which consideration is given to both a price proposal and a technical proposal, and the award of the design-build contract is based upon a combination of price and qualitative considerations.

"Bidder" means any legal entity classified by the Department of the Treasury, Division of Property Management and Construction, and prequalified by the Authority, that may submit an offer in response to a request for qualifications or request for proposals for an award of a design-build contract.

"Board" means the governing body of the Authority, consisting of the members of the Authority, as outlined in *N.J.S.A. 52:18A-237*.

"Bridging architect" means the firm employing persons duly licensed and registered in the State of New Jersey to practice architecture or engineering, which firm may be engaged by the Authority to develop preliminary design work and performance criteria, as well as provide other services, such as construction administration services, in connection with the design and construction of the school facilities project.

"Commissioner" means the Commissioner of the Department of Education.

"Compensation" means payment(s) due to the design-builder for services rendered or work performed or pursuant to the design-build contract.

"Construction documents" means the plans, specifications and other documents prepared by the design-builder that set forth in detail the design for, and other necessary requirements relating to, the construction of the school facilities project, based on the requirements set forth in the design-build information package.

"Construction manager" or "CM" means the firm that may be engaged by the Authority to act as the Authority's representative for the school facilities project and to provide construction management services, in connection with construction of the project.

"Contract milestones" means the dates identified in the school facilities project schedule by which the design-builder must complete certain critical activities to advance the project.

"DCA" means the New Jersey Department of Community Affairs.

"Deliverables" means any documents required to be produced by, or work product generated by the design-builder, pursuant to the design-build contract.

"Department" means the New Jersey Department of Education.

"Design-build contract" means the written, integrated agreement between the Authority and the design-builder setting forth the obligations of the parties, including, but not limited to, the performance of work and services and the basis for payment.

"Design-build information package" means the package of information that is included in the RFP, which sets forth the minimum design requirements, performance specifications, and other project requirements, for the purpose of furnishing sufficient information so that bidders may prepare technical and price proposals.

"Design-build project delivery" means a project delivery method that combines all or some portions of the design and construction phases of a school facilities project into a single contract, including, without limitation, design, regulatory permit approvals, and utility relocation and construction.

"Design-builder" means the entity contractually responsible for delivering the design and construction and, if applicable, other services for the school facilities project in accordance with the design-build contract.

"Development Authority," "Authority" or "SDA" means the New Jersey Schools Development Authority, an entity which is statutorily charged with undertaking and funding school facilities projects under the Act and which is the entity formed pursuant to P.L. 2007, c. 137, as successor to the New Jersey Schools Construction Corporation.

"Guaranteed maximum price" or "GMP" means a method of compensation for the design-builder, including, but not limited to, the design-builder's fee, the costs of all work, and any other prices, as set forth in accordance with the design-build contract, which is the maximum price the Authority shall pay the design-builder.

"Key team member" means an individual identified as having a responsible role in the successful completion of the design-build contract, in the bidder's response to the Authority's RFQ or RFP, which response is made part of the contract.

"Legal requirements" means all applicable Federal, State and local laws, acts, statutes, ordinances, codes, executive orders, rules and regulations in effect or hereinafter promulgated that apply to the design-builder's performance of services or work under the agreement, including, but not limited to, the current versions of the Building Design Services Act, the New Jersey Uniform Construction Code, the DCA Homeland Security Best Practices Standards for Schools under Construction or Being Planned for Construction, the Occupational Safety and Health Act of 1970, the Soil, Ero-

sion and Sediment Control Act, as well as any requirements of local or national authorities having jurisdiction over the project, as applicable.

"Notice of award" or "NOA" means a written notice from the Authority to the bidder prior to award, setting forth the Authority's intention to enter into a design-build contract with the bidder.

"Notice to proceed" means a written notice from the Authority setting the commencement date on which the design-builder is authorized to commence performing services and work pursuant to the design-build contract.

"Performance specifications" means a document provided in the design-build information package, setting forth a description of an end result, objective or standard of performance that the design-builder is expected to achieve in designing and constructing the project.

"Prequalification" means the approval of a bidder by the Authority, pursuant to *N.J.A.C. 19:38A*, for the submission of a statement of qualifications and proposals for a design-build contract. The prequalification process is separate from short listing as elsewhere provided in this chapter.

"Prescriptive specifications" means a document provided in the design-build information package that contains a description of the materials to be employed and/or the manner in which the work is to be performed that the design-builder is required to follow.

"Price proposal" means the price submitted by the bidder to provide the required design and construction and other services described in the RFP, which may be submitted in the form of a GMP, if so required by the RFP.

"Professional services consultants" or "consultants" means the architect, engineer, land surveyor, or other individual or professional firm providing services related to its respective occupation, which require unique professional or technical skills, licenses, or other credentials, which services are associated with research, development, design, construction, construction administration, alteration, or improvement to real property, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform. These professional services consultants may provide services including, but not limited to, studies (including feasibility studies), investigations, surveys, evaluations, consultations, appraisals, planning, programming, conceptual designs, plans and specifications, cost estimates, construction management, inspections, submittal reviews, testing, commissioning, provision of insurance, preparation of operating and maintenance manuals, and other related services, and shall include those consultants who provide "professional architectural, engineering, or land surveying services" within the meaning of *N.J.S.A. 52:34-9.2*.

"Protest" means a challenge to a decision, statement, action, or alleged inaction of the Authority.

"Punchlist" means the list of incomplete or defective work, including work that does not comply with applicable code or legal requirements, to be performed or remedied by the design-builder. Punchlist(s) shall be prepared by the bridging architect in conjunction with the Authority and CM prior to the issuance of the certificate of substantial completion.

"Ranking" means the process of listing responsive bidders in order of highest to lowest total scores, based upon selection criteria set forth in the RFQ and/or RFP.

"Request for proposals" or "RFP" means the document issued by the Authority in the second phase of a two-phase selection process that describes the procurement process and forms the basis for the design-build proposals.

"Request for qualifications" or "RFQ" means the document advertised by the Authority in the first phase of the two-phase selection process that describes the school facilities project in enough detail to allow potential bidders to determine if they wish to compete for a design-build contract and that requests information from bidders regarding the qualifications, experience, and organizational structure of the bidder's proposed design-build team, which information can be used by the Authority to select a short list of bidders to compete for a design-build contract.

"Schedule" means the schedule prepared and submitted by the bidder in its technical proposal to the Authority, wherein the bidder identifies all critical, and certain non-critical, activities, contract milestones and the projected and actual time periods for completing such activities and contract milestones.

"School facilities project" means the planning, acquisition, demolition, construction, improvement, alteration, modernization, renovation, reconstruction, or capital maintenance of all or any part of a school facility or of any other personal property necessary for, or ancillary to, any school facility, and shall include fixtures, furnishings, and equip-

ment, and shall also include, but is not limited to, site acquisition, site development, the services of design professionals, such as engineers and architects, construction management, legal services, financing costs and administrative costs and expenses incurred in connection with the project.

"SDA school district" means a school district that received education opportunity aid or preschool expansion aid in the 2007-2008 school year, as defined at P.L. 2007, c. 260, § 39 (*N.J.S.A. 18A:7G-3*).

"Selection coordinator" means the administrator of the operations and procedures of the selection process, whose activities shall include, but are not limited to, scheduling of meetings, preparing agendas, recording scores, verifying submittal information, preparing minutes of selection committee meetings, and other similar administrative duties.

"Short listing" or "short-listed" means the narrowing of the field of bidders through the selection of bidders who are evaluated on qualification factors other than price, as indicated in the RFQ, and whose proposals are judged most advantageous to the Authority in terms of qualifications other than price.

"Specification" means a written description included as part of the construction documents, which sets forth the detailed technical and functional characteristics of, or the discrete design for, an item of material, equipment, or work to be incorporated into the school facilities project, or a requirement of the work to be performed. A specification may include a statement of any of the Authority's requirements and may provide for inspection, testing, or the preparation of a construction item before procurement. Specifications shall augment and complement the drawings and plans prepared by the design-builder.

"Statement of qualifications" or "SOQ" means the document(s) submitted by bidders in response to an RFQ that describes the qualifications and capabilities of the bidder and its key team members to perform the scope of services to be included in a design-build contract.

"Stipend" means a monetary amount which may be paid to unsuccessful bidders.

"Substantial completion" means that point in time in the progress of the school facilities project when certain conditions specified by the design-build contract have occurred, including, but not limited to, the issuance of a temporary certificate of occupancy, the creation of a punchlist, and the determination that the school facilities project is ready for occupancy in accordance with its intended use.

"Technical evaluation committee" means a selection committee comprised of a majority of Authority representatives and an SDA school district representative(s) who are responsible for reviewing and evaluating responses by bidders to an RFQ and RFP.

"Technical proposal" means that portion of a design-build proposal which contains design solutions and other qualitative factors that are provided in response to an RFP.

"Two-phase selection process" means a procurement process in which the first phase consists of short listing, based on qualifications submitted in response to an RFQ, and the second phase consists of the submission of price and technical proposals in response to an RFP.

"Uniform Construction Code" means the New Jersey Uniform Construction Code, as set forth in *N.J.A.C. 5:23*, and all applicable subcodes, as such codes are amended from time to time.

"Weighted criteria process" means a form of best value selection in which a percentage of evaluation weight is pre-established for qualitative factors and for price, and the award of a design-build contract is based upon the highest total points awarded to a bidder.

"Work" means all design and construction services performed by the design-builder and its team, including providing all material, equipment, tools and labor, necessary to complete the construction, as described in and reasonably inferable from the construction documents and the design-build contract.

§ 19:36-1.3 Disclosure and publicity

(a) Any and all submissions made in response to any RFQ and any RFP are subject to the provisions of the Open Public Records Act, P.L. 2001, c. 404, *N.J.S.A. 47:1A-1* et seq., and the exceptions from disclosure provided therein.

(b) The design-builder shall notify the Authority prior to the issuance of press releases and other public dissemination of information concerning a school facilities project, and such shall acknowledge Authority financing and assistance in the undertaking of the school facilities project.

§ 19:36-1.4 Access and record retention

(a) The design-builder shall make available records and accounts pertaining to school facilities projects to the State Comptroller and the State Auditor in their investigations, examinations and inspections of the activities related to the financing and undertaking of school facilities projects. The design-builder shall also cooperate, upon request, in sharing information with other State or Federal entities.

(b) The design-builder, shall be responsible to keep and maintain all of those records and accounts, including records and accounts of subcontractors and subconsultants, for school facilities project activities as necessary in order to evidence compliance with the Act and all applicable regulations and contractual requirements. Such records shall be retained by the design-builder for 10 years following substantial completion of a school facilities project, and any additional period required for the resolution of litigation, claims, or audit findings. Thereafter, those records shall be transferred to the Authority, unless the Authority, in its sole discretion, requests an earlier transfer of such records from the design-builder to the Authority or another designated entity. At any time, upon request of the Authority, the design-builder shall make records relating to the design-build project available to the Authority, within four business days of the request for documents, at no cost to the Authority.

(c) In the event that any litigation, claim, audit, or request pursuant to the Open Public Records Act, *N.J.S.A. 47:1A-1 et seq.*, relating to the procurement or the performance of work under the design-build contract is commenced prior to expiration or termination of the design-build contract, all records relating to the procurement and the contract shall be retained until all litigation, claims, audit findings, document requests, and related appeals, if any, have been resolved with finality.

§ 19:36-1.5 Fraudulent statements

Any firm or individual who makes, or causes to be made, a false, deceptive, or fraudulent statement in its submittal in response to the RFQ or RFP or in the course of any hearing, litigation, mediation, or other proceeding may be disqualified from bidding, suspended, and/or debarred, and may be subject to prosecution pursuant to applicable law.

§ 19:36-2.1 Applicability

This subchapter establishes the technical evaluation committee and outlines its responsibilities for the evaluation and scoring of the qualifications of bidders that have submitted responses to an RFQ, and the evaluation and scoring of the technical proposals of bidders that have submitted proposals in response to an RFP.

§ 19:36-2.2 Composition and responsibilities of technical evaluation committee

(a) When the design and construction of a school facilities project will be undertaken pursuant to this chapter, the Authority will designate a technical evaluation committee to review and evaluate responses by bidders to an RFQ and RFP, and will designate a selection coordinator to administer the selection process. The members of the technical evaluation committee shall consist of a majority of Authority representatives and a representative of the SDA school district in which the school facilities project is located, if such district elects to participate. Each member of the technical evaluation committee shall have the relevant experience as set forth in *N.J.S.A. 52:34-10.3(c)*, necessary to evaluate the submissions.

(b) Each member of the technical evaluation committee shall be responsible for:

1. Independently evaluating and scoring the statements of qualifications submitted by bidders in response to an RFQ; and

2. Evaluating and scoring, in consultation with the other members of the technical evaluation committee, the technical proposals submitted by bidders in accordance with the weighted criteria process set forth in an RFP.

(c) Once the responses are received and the identity of the bidders is ascertained, the members of the technical evaluation committee will be given a list of all firms that submitted a bid. Each member of the technical evaluation committee, prior to the evaluation of any submission, shall execute a certification that he or she has no personal interest, financial or familial, in any of the bidders to be evaluated, any of the named subcontractors or subconsultants to the bidders, or any of the principals, subsidiaries, or parent companies of such bidders. Furthermore, should any of the technical evaluation committee members indicate that a conflict or personal interest exists once the identity of the bidders is revealed, that member shall not serve on the technical evaluation committee. In the event that an evaluation committee member is discovered to have a conflict, such evaluation committee member will be removed from the selection committee by the Authority. At the discretion of the Authority, the conflicted committee member may be replaced, if replacement with a new member is feasible at the time of removal of the conflicted committee member, and such replacement will not have an adverse impact on either the evaluation process or the procurement schedule or process generally.

(d) The names of the members of the technical evaluation committee shall be made public once the contract is awarded, pursuant to *N.J.S.A. 52:34-10.3(c)*.

§ 19:36-3.1 Applicability

This subchapter provides for the retention by the Authority of professional consultants to act in the SDA's interests during the school facilities project; namely, a bridging architect to develop minimum design requirements, performance specifications and other project requirements and a construction manager to provide management and technical support during the school facilities project.

§ 19:36-3.2 Engagement of bridging architect

The Authority may retain a bridging architect, pursuant to the provisions of *N.J.A.C. 19:38C*, for the duration of the school facilities project, to prepare a design-build information package, review the documents prepared by design-builders and provide other professional services on behalf of the Authority.

§ 19:36-3.3 Design-build information package

(a) A design-build information package shall be prepared by the Authority, using a design professional either on staff of the Authority and/or the bridging architect.

(b) As a prerequisite to the completion of the design-build information package, the schematic design for the school facilities project must have been approved by the SDA school district, the Authority and the Department, in accordance with the requirements of *N.J.A.C. 6A:26*, and the Department shall have issued the preliminary project report approving the school facilities project, pursuant to *N.J.S.A. 18A:7G-5(h)(2)*.

(c) The design-build information package may include, but need not be limited to, the following:

1. A description of the school facilities project, including:
 - i. Building type and size;
 - ii. Site development requirements, such as, parking and site requirements and playground equipment;
 - iii. Description of physical relationships between building spaces and between buildings and other site elements; and
 - iv. Specific architectural style or concept;
2. Educational specifications and schematic design documents for the school facilities project;

3. Performance specifications and prescriptive specifications regarding materials, systems, performance criteria, energy efficiency, life cycle costs and environmental issues;
4. Assignment of responsibility for obtaining required approvals and permits;
5. Engineering, architectural and/or environmental reports (for example, geotechnical evaluations, building evaluations and/or environmental preliminary assessment); and
6. The terms and conditions for the payment of a stipend, if a stipend is offered.

§ 19:36-3.4 Engagement of construction manager

(a) The Authority may retain a construction manager, pursuant to the provisions of *N.J.A.C. 19:38C*, for the duration of the school facilities project.

(b) The services of the construction manager may include, but need not be limited to, technical support in the area of scheduling, cost estimating, document control and inspection of construction during all phases of the school facilities project.

§ 19:36-3.5 Conflicts of interest

Professional consultants who assist the Authority in the preparation of an RFQ or an RFP will not be permitted to participate as a bidder or subconsultant to a bidder submitting a statement of qualifications in response to the RFQ or a proposal in response to the RFP.

§ 19:36-4.1 Applicability

This subchapter establishes the Authority's criteria and procedures for the use of a two-phase design-build selection process. In the first phase, the Authority initially ranks bidders based on statements of qualifications and then selects a short list of bidders to receive the RFP based on the ranking. In the second phase, the Authority receives the submission of price and technical proposals in response to the RFP and awards the design-build contract to the bidder whose proposal receives the highest overall score.

§ 19:36-4.2 Necessity for prequalification

(a) Only those bidders holding a valid notice of prequalification, issued by the Authority, in accordance with the procedures in *N.J.A.C. 19:38A*, in such trade(s) or discipline(s) as specified by the RFQ, shall be eligible to submit a statement of qualifications in response to an RFQ or proposals in response to an RFP. The prequalification of a bidder must be valid on the due date for the submission of a statement of qualifications and on the due date for the submission of technical and price proposals.

(b) The Authority may establish appropriate and special prequalification requirements as may be necessary in order to ensure competitive technical and price proposals, or as may be dictated by the unique or specialized nature of the work to be performed under the design-build contract.

§ 19:36-4.3 Request for qualifications

(a) The Authority shall publicly advertise an RFQ. The RFQ shall contain the following information:

1. A general description of the school facilities project;
2. The scope of work;

3. The minimum qualification requirements for bidders, including, but not limited to, the appropriate classifications and aggregate rating limits assigned by the New Jersey Department of Treasury, Division of Property Management and Construction;

4. A request for the submission of a statement of qualifications which will describe the qualifications of prospective bidders;

5. The phase one evaluation factors to be used in the determination of a short list of bidders;

6. The technical evaluation factors to be utilized in the second phase of the selection process;

7. A statement of the number of bidders to be selected for the short list; and

8. Any other requirements, as determined in the sole discretion of the Authority.

(b) Bidders desiring to submit technical and price proposals shall submit a statement of qualifications and an organizational chart of the bidder and its key team members and the other information required by the RFQ.

§ 19:36-4.4 Short listing of bidders

(a) The technical evaluation committee shall review and evaluate the responsive submissions of bidders and determine the relative ability of each such bidder to perform the work under the design-build contract. The evaluation of the qualifications of each bidder may include, but need not be limited to, consideration of the following factors:

1. Experience of the prospective bidder and proposed design-build team on projects of similar size, scope, and complexity;

2. Experience of key team members on projects of similar size, scope and complexity;

3. Experience of the prospective bidder and proposed design-build team on design-build projects of similar size, scope, and complexity;

4. Experience of the key team members on design-build projects of similar size, scope and complexity;

5. Experience of the prospective bidder or its key team members on projects for the Authority, as evidenced by performance evaluations as specified in the RFP;

6. The prior affirmative action experience of the prospective bidder and the design-build team;

7. Consideration of the bidder's aggregate rating from the Department of Treasury, Division of Property Management and Contracts, which is affected by prior affirmative action experience; and

8. Any other pertinent information necessary to establish the qualifications of the prospective bidder and proposed design-build team to undertake the design-build contract.

(b) At the conclusion of the first phase of the selection process, the technical evaluation committee shall develop a short list of the bidders whose qualifications are deemed most advantageous to the Authority in terms of qualification factors other than price, as indicated in the RFQ. The bidders selected for the short list shall be invited to participate in the second phase of the process. The short list will be published on the Authority's website at www.njsda.gov and all bidders that supplied submissions will be notified in writing of the bidders selected for the short list.

§ 19:36-4.5 Request for proposals

(a) Only bidders that have been short listed during the RFQ process will be permitted to submit a proposal in response to an RFP.

(b) The RFP shall include, without limitation:

1. The design-build information package;

2. Technical and price proposal forms;

3. The design-build contract;
4. Instructions to bidders;
5. The criteria for evaluation of proposals and their relative weight;
6. A description of the drawings, specifications, or other submittals to be submitted with the technical proposal, with guidance as to the form and level of completeness of the drawings, specifications or submittals that will be acceptable;
7. Budget limits for the work;
8. Requirements for bid bonds, performance bonds, payment bonds, and insurance;
9. Schedule requirements, as set forth in the RFQ;
10. Amount of the stipend, if any; and
11. The documents required to be submitted upon the notice of award, pursuant to *N.J.A.C. 19:36-6.1(c)*.

§ 19:36-4.6 Selection process

(a) The Authority shall issue an RFP for the school facilities project to the bidders who were short listed in the phase one RFQ process.

(b) The Authority may provide for a pre-proposal conference at a designated date, time, and location at which bidders that have been short listed may ask questions and seek clarification concerning any of the information, data, or documents contained within the RFP. Pre-proposal conferences may be mandatory or optional, as stated in the RFP.

(c) The RFP shall require the submission of a proposal in two separate parts: a technical proposal and a price proposal. The technical and price proposals shall be evaluated separately, in accordance with the evaluation factors and process set forth in the RFP. The evaluation factors may include, but need not be limited to, design concepts, management approach, proposed technical solutions, and the other factors listed at *N.J.S.A. 52:18A-243(d)*, as applicable.

(d) The technical proposal shall include preliminary design drawings, outline specifications, technical reports, calculations, permit requirements, a management plan, schedule and other information and/or data requested in the RFP.

(e) The price proposal shall be submitted in a separate sealed envelope and shall provide a price for all design services and construction work required to complete construction of the school facilities project. If required by the RFP, the price shall be submitted in the form of a guaranteed maximum price for all design and construction of the school facilities project. The envelope containing the price proposal shall indicate clearly that it is the price proposal and shall identify the bidder's name, project number, and any other information required by the RFP. The price proposals shall remain sealed until such time as provided in (g) below.

1. Each price proposal shall be accompanied by a bid bond as specified in the RFP.

2. The Authority shall examine all documents required to be submitted with the technical proposal for completeness and conformity with the requirements of the RFP. If the Authority determines that a technical proposal received must be rejected as non-responsive, it shall notify the bidder in writing of the rejection of its proposal and the reason for the rejection within 10 business days of its receipt, unless there are circumstances that require additional time.

3. The submission of technical and price proposals is conclusive evidence that the bidder has completely reviewed the RFP and the design-build contract and fully understands and agrees to all of the requirements, terms, and conditions set forth therein.

(f) The technical evaluation committee may conduct interviews with each bidder prior to ranking the bidders. The technical evaluation committee shall evaluate each technical proposal in accordance with the evaluation criteria and the weight assigned to each, as set forth in the RFP. The technical review committee shall then total and submit the scores for each technical proposal to the selection coordinator.

(g) After the technical proposals have been reviewed and scores are submitted, Authority staff shall open the price proposals and assign the maximum price points to the lowest total dollar proposal. All other responsive proposals shall be scored based upon the percentage that each proposal exceeds the lowest proposal.

1. The Authority shall examine all documents required to be submitted with the price proposal for completeness and conformity with the requirements of the RFP.

2. The bidder shall show all amounts in words and figures. In the event of a discrepancy between the words and figures, the amount shown in words shall govern.

3. If the Authority determines that a price proposal received must be rejected as being non-responsive, it shall notify the bidder in writing of the rejection of its proposal as being non-responsive and the reason for the rejection within five business days of the opening of price proposals, unless there are circumstances that require additional time.

(h) The selection coordinator shall determine the combined scores for each bidder based on their technical and price proposals, with consideration of price at least equal to the consideration given to all other factors. The bidder with the highest overall score shall be recommended to the Board of the Authority for an award of the design-build contract. If the recommendation is approved, the Authority will notify the successful design-builder.

§ 19:36-4.7 Rejection of proposals

(a) Proposals received after the submission date and time prescribed in the advertisement and RFP shall be rejected.

(b) The Authority may reject any proposal for any reason, in accordance with law, when it is otherwise deemed to be in the interest of the State or the public interest to do so. The Authority may reject all proposals for excessive cost, insufficient competition, or any other reason, in accordance with law, that it determines to be in the interest of the State or the public interest.

(c) The Authority may cancel a notice of award at any time before the execution of the design-build contract by the Authority, if the Authority deems it advisable to do so in the interest of the State or the public interest.

§ 19:36-5.1 Criteria for payment of stipend

(a) At the discretion of the Authority, a stipend may be paid to eligible bidders who submit responsive but unsuccessful proposals in response to the RFP. The decision to do so shall be based on the Authority's analysis of the estimated proposal development costs, the complexity of the school facilities project, and the anticipated degree of competition during the procurement process. The purpose of the stipend is to encourage competition by offering to compensate responsive, but unsuccessful bidders, for a portion of the estimated proposal development costs.

(b) The terms and conditions for the payment of a stipend shall be included in the RFP.

(c) Whether or not a stipend is provided to an unsuccessful bidder, submission of a technical proposal by a bidder shall indicate the bidder's agreement and consent that the work produced within that bidder's technical proposal shall be provided to the Authority for its use in connection with the design-build contract awarded, or in connection with a subsequent procurement, without obligation to pay any additional compensation to the unsuccessful bidder.

(d) Bidders submitting a response to the RFP which is determined by the Authority in its sole discretion to be non-responsive or irregular, pursuant to *N.J.A.C. 19:36-4.7*, will not be entitled to a stipend.

§ 19:36-6.1 Contract approval and execution

(a) Except as may otherwise be specifically provided in this chapter, the engagement of a design-builder shall be subject to approval by the Board of the Authority and may only be executed in accordance with Authority procedures.

(b) Prior to the execution of a design-build contract, the bidder that was provided a notice of award shall exist in the legal status in which it will perform its responsibilities pursuant to the design-build contract.

(c) The Authority will send the successful design-builder a notice of award letter. The notice of award letter shall contain a list of the additional documents required to be submitted by the design-builder with the executed contract. The notice of award will specify the time within which the executed contract and required documents must be returned.

(d) Each payment and each performance bond must be in an amount at least equal to the total contract price.

1. All bonds shall comply with the requirements of this chapter and relevant State statutes. All bonds submitted by the design-builder shall be issued only in accordance with *N.J.S.A. 2A:44-143* through 147 to the design-builder and shall indicate aggregate bonding limits.

2. Bonds shall be issued only by companies authorized to transact business in the State of New Jersey.

(e) If the design-builder fails to return the executed contract and performance and payment bonds and other required documents within the time specified by the Authority, the Authority may take whatever action is appropriate and authorized by law including, but not limited to, withdrawing or canceling the notice of award to the delinquent bidder and awarding the contract to the next-highest ranked bidder; cancelling the procurement; or proceeding to recover under the bid bond submitted with the price proposal in accordance with *N.J.A.C. 19:36-4.6(e)*.

(f) All contracts executed pursuant to this chapter shall provide for, among other things, termination for the convenience of the Authority and for cause.

(g) No agreement is valid or binding on the Authority unless and until it is executed by an appropriately authorized representative of the Authority. Any work performed prior to the execution of the contract by the Authority is voluntary, and represents a gift to the Authority. In the event the notice of award is cancelled or withdrawn, the bidder is not entitled to any remuneration for any work performed prior to the execution of the contract.

(h) Upon the successful bidder's submission of all required documentation or materials as specified in the NOA, and the Authority's acceptance of such documentation, the Authority will execute the design-build contract and provide the successful bidder with the fully-executed design-build contract.

§ 19:36-7.1 Scope and purpose

(a) This subchapter sets forth the procedures that govern protests and administrative hearings regarding design-build procurements, including protests challenging the form of the RFQ or the RFP, the ranking of bidders during the RFQ phase, and the scoring of technical proposals of bidders.

(b) For purposes of this subchapter, protests of the type described are not contested cases subject to the requirements of the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq.

§ 19:36-7.2 Subject matter, time limitations, and who may request hearings

(a) Administrative hearings before the Authority may include the following subject matter and may be requested by the following entities:

1. RFQ process or documents: A bidder that intends to submit or has submitted a statement of qualifications for the first phase of the design-build procurement, may request an informal hearing before the Authority to protest the RFQ process or documents by submitting a written protest to the Authority at least five business days prior to the date and time scheduled for opening of the statements of qualifications, setting forth in detail the grounds for such protest. The protest must contain all legal and factual arguments, materials or other documents that support the protestor's position, and must indicate whether the protestor requests an informal hearing. The Authority may deny any protest that is filed less than five business days prior to the scheduled opening of statements of qualifications, or that fails to provide the specific reasons for and arguments supporting the protest.

2. RFP process or documents: A bidder that intends to submit or has submitted proposals for the second phase of the design-build procurement, may request an informal hearing before the Authority to protest the RFP process or documents by submitting a written protest to the Authority at least five business days prior to the date and time scheduled for opening of the technical proposals, setting forth in detail the grounds for such protest. The protest must contain all legal and factual arguments, materials or other documents that support the protestor's position, and must indicate

whether the protestor requests an informal hearing. The Authority may deny any protest that is filed less than five business days prior to the scheduled opening of technical proposals, or that fails to provide the specific reasons for and arguments supporting the protest.

3. Short listing: A bidder protesting its failure to be short listed, or the short listing of another bidder may request an informal hearing before the Authority to protest the selection of the short list by submitting a written protest to the Authority setting forth the specific grounds for challenging the short listing. The protest must contain all factual and legal arguments, materials or other documents that support the protestor's position, and must indicate whether the protestor requests an informal hearing. A bidder protesting the short list must submit a written protest within five business days of the public announcement of the short list on the Authority's website, www.njsda.gov. The Authority may deny any protest that is filed more than five business days after the public announcement of the short list, or any protest that fails to provide the specific reasons for and arguments supporting the protest.

4. Technical and price proposal scoring: A bidder protesting the scoring of its technical and/or price proposals, or those of another bidder, may request an informal hearing before the Authority to protest the scoring of technical and/or price proposals, by submitting a written protest to the Authority setting forth the specific grounds for challenging such scorings. The protest must contain all factual and legal arguments, materials or other documents that support the protestor's position and a statement as to whether the protestor requests the opportunity for an informal hearing. The protestor must submit a written protest within five business days of the public announcement of the bidders' scores. The Authority may deny any such protest that is filed more than five business days after the public announcement of the bidder's scores, or any protest that fails to provide the specific reasons for and arguments supporting the protest.

5. Award of contract: A bidder that has submitted a proposal in response to an RFQ or RFP may request an informal hearing before the Authority to protest the award of a contract to another bidder by submitting to the Authority a written protest, setting forth the specific grounds for challenging such award, within five business days of the public announcement of the award. The protest must contain all factual and legal arguments, materials or other documents that support the protestor's position and a statement as to whether the protestor requests an informal hearing. The Authority may deny any protest that is filed more than five business days after the public announcement of the award, or any protest that fails to provide the specific reasons for and arguments supporting the protest.

6. Performance evaluation: A firm that is dissatisfied with its performance evaluation on an Authority project may request an informal hearing before the Authority by submitting to the Authority a written protest setting forth the specific grounds for such protest, within 15 calendar days after the date of receipt of written notification of the performance evaluation. The protest must contain all factual and legal arguments, materials, or other documents that support the protestor's position and must indicate whether the protestor requests an informal hearing. The Authority may deny any protest that is filed more than 15 calendar days after the firm's receipt of written notification of the performance evaluation, or any protest that fails to provide the specific reasons for and arguments supporting the protest.

§ 19:36-7.3 Hearing procedures

(a) Hearing procedures shall be as follows:

1. The Authority, in its sole discretion, shall determine whether to grant an informal hearing regarding any protest. Informal hearings are for fact-finding purposes for the benefit of the Authority and the Authority shall have the sole discretion as to whether to hold an informal hearing. Alternatively, the Authority may determine that sufficient information already exists in the record so that a decision may be made without a hearing, and the Authority may waive the hearing and issue a final agency decision accordingly. In the event that the Authority determines that a hearing is not necessary, a written decision will be issued by the Authority within five business days of receipt of all documents related to the protest.

2. Informal hearings will be held, where feasible, within 14 business days of the receipt of the request. Hearings will be heard, where practicable, by a hearing officer designated by the Chief Executive Officer. The hearing officer shall issue a final written decision within 30 calendar days of the conclusion of the hearing unless, due to the circumstances of the hearing, a greater time is required. For all protests of the RFQ or RFP processes and documents, the written decision will issue prior to the opening of statements of qualification or proposals, respectively. If a decision based upon a protest results in a modification of the aforesaid process or documents, such decision shall be conveyed to all potential bidders by addendum.

3. In an informal hearing, the Authority may, in instances where public exigency exists or where there is potential for substantial savings to the State, modify, or amend the time frames or any other requirements provided in this subchapter. In these instances, the Authority shall document, for the record, the rationale for such amendment and give adequate notice to the parties involved.

4. For matters of dispute that may occur relative to the activities of the Authority, if formal hearings are warranted, such hearings will be held by the Chief Executive Officer or by an Administrative Law Judge pursuant to the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq. and *52:14F-1* et seq., as applicable.

5. The Board of the Authority, or the Chief Executive Officer, as its designee, shall determine whether a matter constitutes a contested case and shall retain or refer any such matter for hearing pursuant to the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq. and *52:14F-1* et seq. 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*.

§ 19:36-8.1 Design and construction

(a) The design-builder shall employ or contract with the architect of record and shall be responsible for the technical integrity of final project design, constructability, extensions of the design, and operability and maintainability, pursuant to the design-build information package and/or in the design-build contract.

(b) The role of the design-builder may include, but need not be limited to, the management and control of quality, cost and the integrated schedule for design, permit applications, material and equipment acquisition, construction, training for operation and maintenance, inspection and close out of the school facilities project.

(c) The Authority's review and acceptance of interim design submissions and/or construction documents is for the purpose of mutually establishing a conformed set of contract documents compatible with the requirements of the work. Neither the Authority's nor the construction manager's review and acceptance of interim design submissions or construction documents shall be deemed to transfer design liability from the design-builder to the Authority.

(d) Once the plans and specifications are complete, and have been accepted by the Authority, the design-builder shall submit the completed plans and specifications for the school facilities project to the Department for approval of final educational adequacy, pursuant to *N.J.A.C. 6A:26-5.4*. Upon the approval of the plans and specifications by the Commissioner, the design-builder shall submit them to the DCA for review and approval in accordance with *N.J.A.C. 5:23-4.24*.

§ 19:36-8.2 Costs in excess of guaranteed maximum price

If a design-build contract is procured as a GMP contract, the design-builder shall be responsible for cost overruns in excess of the GMP, as properly adjusted, pursuant to the terms of the design-build contract. If the design-builder's cost of work and fee are less than the GMP as properly adjusted, the cost savings shall accrue to the Authority, but may be shared by the design-builder and the Authority in accordance with the terms of the design-build contract.

§ 19:36-8.3 Deletion or substitution of key team members

(a) No substitutions or deletions of key team members may be made during the selection process or after award of the contract, without prior written approval from the Authority.

(b) Unauthorized changes to a bidder's key team members who were specifically identified in the response to the RFP at any time during the selection process may result in the elimination of the bidder from further consideration.

§ 19:36-9.1 Applicability and effect

(a) Notwithstanding any provisions of *N.J.A.C. 19:38* to the contrary, the following provisions will apply to the process and consideration of performance evaluations for contracts procured under this chapter.

1. Every design-builder awarded a design build contract procured pursuant to this chapter will be subject to evaluation in accordance with *N.J.S.A. 18A:7G-36*. The performance evaluation will consider the design-builder's performance as a contractor in the following categories: quality of work; scheduling; management; cost control and change orders; safety and industrial hygiene; small business goals; and close-out.

2. The design-builder's performance will be evaluated periodically during the progress of the project. The evaluation will be performed by a reviewer with direct involvement in the management or supervision for the project.

3. The design-builder's performance evaluations will be used by the Authority in evaluating and scoring bidders as to their prior experience on Authority projects, in accordance with the provisions of this chapter, *N.J.A.C. 19:38*, or *19:38B*.

§ 19:36-9.2 Evaluation rating values

(a) Notwithstanding any provisions of *N.J.A.C. 19:38* to the contrary, design-builders shall be evaluated on their construction performance with respect to the various evaluation categories using the following evaluation ratings:

1. Outstanding (O) or 100 percent--far exceeds the contract requirements by consistently exhibiting excellent performance. Always meets, and almost always exceeds the contract requirements;

2. Very Good (VG) or 90 percent--often exceeds the contract requirements and frequently provides a high level of performance. Typically meets and often exceeds the contract requirements;

3. Satisfactory (S) or 80 percent--provides an acceptable level of performance consistently meeting the contract requirements;

4. Marginal (M) or 70 percent--performs slightly below the requirements of the contract, meeting the contract requirements on an intermittent basis; and

5. Unsatisfactory (U) or 60 percent--fails to meet important contract requirements, resulting in a negative impact on the entire project.

(b) These numerical scores may be subject to special adjustment factors for certain categories deemed by the Authority to be particularly critical to contractor performance. The numerical ratings for each category shall be tabulated to arrive at an overall numerical evaluation score for each performance evaluation.

§ 19:36-9.3 Consideration of performance evaluations

(a) For contracts procured pursuant to the provisions of *N.J.A.C. 19:38*, performance evaluations shall be considered in accordance with that chapter.

(b) For contracts procured pursuant to this chapter or *N.J.A.C. 19:38B*, the process for evaluating a firm's prior performance on Authority projects in a selection process shall be specified in the RFP. Such process shall consist of:

1. A mathematical tabulation and averaging of the scores of all prior performance evaluations within a relevant time period;

2. Consideration of particularly favorable or unfavorable evaluations individually and with reference to other evaluations;

3. Consideration of multiple evaluations over the course of a given project, to show consistency of performance, deterioration of performance or efforts at improvement and recovery; or

4. A combination of the above methodologies.

Resolution—7a.

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

Resolution

WHEREAS, N.J.A.C. 19:36, as adopted by the New Jersey Schools Development Authority (SDA or the Authority) sets forth Procedures for Procurement of Design Build Contracts for School Facilities Projects for the Schools Construction Program (Chapter 36 or the Rules); and

WHEREAS, on February 6, 2013 the Members of the Authority approved for final adoption regulations for the Procurement of Design-Build Contracts, N.J.A.C. 19:36 (the Rules); and

WHEREAS, the Rules were formally published in the New Jersey Register on March 4, 2013 and will expire on March 4, 2020; and

WHEREAS, the Rules establish requirements, standards and procedures for the Authority's procurement of Design-Build Contracts; and

WHEREAS, SDA management seeks Board ratification of the filing of a Notice of Readoption to extend the expiration of the Rules; and

WHEREAS, this will involve an expedited process that permits regulations to be readopted, without amendments, and without prior publication or public comment, pursuant to a filing of the Notice of Readoption with the Office of Administrative Law, at least thirty days prior to the expiration of the regulations; and

WHEREAS, the proposed Notice of Readoption process will involve no amendments or modification to the Rules and, upon readoption, the Rules will remain in their current form; and

WHEREAS, a full copy of the Rules was presented to the Board on this date along with the Board memorandum; and

WHEREAS, the Members of the Authority have reviewed the Board memorandum and the Rules presented to the Board on this date, which provides the background and a description of the Rules, along with an overview of the administrative process followed by management and to be followed moving forward; and

WHEREAS, SDA management recommends that the Members' ratify SDA management's use of the Notice of Readoption process to effectuate the readoption and extension of the Authority's Rules regarding procedures for design-build contracts consistent with the provisions of the memorandum presented to the Board on this date and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby ratify SDA management's use of the Notice of Readoption process to effectuate the readoption and extension of the Authority's Rules regarding procedures for design-build contracts consistent with the provisions of the memorandum presented to the Board on this date and incorporated herein.

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, Extension of Existing Regulations: Notice of Readoption (without Amendments) - Procurement of Design-Build Contracts, N.J.A.C. 19:36, dated March 4, 2020

Dated: March 4, 2020

MONTHLY REPORTS
(For Informational Purposes)

ACTIVE PROJECTS STATUS REPORT



STATE OF NEW JERSEY
SCHOOLS DEVELOPMENT AUTHORITY

MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director

DATE: March 4, 2020

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

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

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



2011 & 2012 Portfolio Projects Activities Summary

as of 2/18/20

2011 Portfolio Projects - sorted by District

1

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

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

8



2011 & 2012 Portfolio Projects Activities Summary

as of 2/18/20

2012 Portfolio Projects - sorted by District

1

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

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

8



2011 & 2012 Portfolio Projects Activities Summary

as of 2/18/20

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

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

8

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



2011 & 2012 Portfolio Projects Activities Summary

as of 2/18/20

2012 Portfolio Projects (Facilities Deficiencies) - sorted by District

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

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

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



Active Project Status Report Status as of 2/1/2020

Major Capital Projects - With Contract for Building Construction Awarded

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

8



Active Project Status Report Status as of 2/1/2020

Emergent Projects - With Contract for Construction Awarded

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

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: March 4, 2020
Subject: Project Close-Out Status Report

The attached report provides a status of the following:

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

Projects closed since the last report will appear highlighted.



PROJECT STATUS REPORT - As of February 1, 2020					
Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Bridgeton					
2016	0540-050-13-0ACN	Buckshutem Road Elementary School			
2017	0540-100-13-0ACO	Quarter Mile Lane Elementary School			
Burlington City					
2007	0600-020-01-0957	New High School	Project Transferred	12/29/11	Open contract(s) - Legal matter pending
Camden					
2007	0680-140-01-0939	Octavius V. Catto Community School - Demonstration Project	Project Transferred	01/09/12	Open contract(s)
2009	0680-350-01-0938	HB Wilson Elementary School	Project Transferred	04/14/10	Open contract(s)
Egg Harbor City					
2010	1300-X01-04-0ADY	New Middle School	Project Transferred	01/01/12	Open contract(s)
Egg Harbor Township					
2011	1310-005-04-0AEB	Egg Harbor Township High School			
Elizabeth					
2017	1320-N20-13-0AEG	Halloran Elementary School	Project Transferred	06/12/18	Open contract(s)
2016	1320-X07-01-0867	Frank J. Cicarell Academy (New Academic HS)	Project Transferred	07/18/19	Open contract(s)
2013	1320-240-03-0339	Victor Mravlag Elementary School # 21	Project Transferred	08/27/19	Open contract(s) - Legal matter pending
Garfield					
2018	1700-205-03-0315	James Madison Elementary School #10			
Gloucester City					
Legacy	1770-160-01-0245	Cold Springs Elementary School	Project Transferred	06/05/09	Open contract(s)
2017	1770-N01-03-0188	Gloucester City Middle School	Project Transferred	04/17/18	Open contract(s)
Irvington					
2019	2330-120-03-0755	Madison Avenue Elementary School			
Jersey City					
Legacy	2390-N01-99-0227	New Elementary School #3 (Frank R. Conwell ES #3)	Project Transferred	12/19/15	Open contract(s) - Legal matter pending
Legacy	2390-N02-99-0228	Jersey City Middle School # 4 (Frank R. Conwell MS #4)	Project Transferred	12/19/15	Open contract(s) - Legal matter pending
2016	2390-190-01-0581	New Public School #20	Project Transferred	08/11/17	Open contract(s) - Legal matter pending
2017	2390-X03-01-0587	Patricia M. Noonan ES (New PS #3)	Project Transferred	12/14/17	Open contract(s) - Legal matter pending
2007	2390-N03-99-0147	Heights Middle School #7			
Keansburg					
2016	2400-E01-02-0116	New Caruso Elementary School	Project Transferred	08/13/18	Open contract(s)
New Brunswick					
2018	3530-123-03-1034	Paul Robeson Community Elementary School	Project Transferred	10/23/18	Open contract(s)

PROJECT STATUS REPORT - As of February 1, 2020					
Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Newark					
Legacy	3570-X01-01-0617	Science Park	Project Transferred	05/03/13	Open contract(s) - Legal matter pending
2010	3570-X07-01-0693	Speedway Elementary School	Project Transferred	10/21/15	Open contract(s)
2016	3570-590-02-0315	Oliver Street Elementary School	Project Transferred	05/18/17	Open contract(s)
2018	3570-640-02-0311	South Street ES			
Passaic					
2015	3970-X01-01-X760	New Henry Street Elementary School			
2019	3970-N11-07-0DAY	Leonard Place Elementary School			
Paterson					
2016	4010-N09-04-00HP	New Public School #16	Closed		
Legacy	4010-N02-02-0393	Roberto Clemente Elementary School	Project Transferred	04/12/13	Needed repairs being addressed
2016	4010-N01-02-0169	Dr. Hami Awadallah School (New Marshall Street ES)	Project Transferred	03/15/18	Open Contract(s)
2008	4010-S01-02-0101	International High School			
Pemberton					
2011	4050-E01-02-0082	Pemberton Early Childhood Education Center	Project Transferred	02/01/13	Open contract(s)
Perth Amboy					
2019	4090-N01-98-0325	Seaman Avenue Elementary School			
Phillipsburg					
2016	4100-X01-99-0464	New High School	Project Transferred	06/07/18	Open contract(s)
Trenton					
2019	5210-050-13-0AEH	Trenton Central High School			
Vineland					
2018	5390-N02-02-0245	Lincoln Avenue Middle School			
West New York					
2009	5670-065-01-0559	Elementary School #2	Project Transferred	05/14/13	Open contract(s) - Legal matter pending
2012	5670-070-01-0556	West New York #3	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			117		
Capital and Demonstration Projects Not Closed			38		
Capital and Demonstration Projects Not Closed, Project Transferred			22		
			Legal Matter	8	
			Miscellaneous	14	

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

PROJECT STATUS REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director – Program Operations

DATE: March 4, 2020

SUBJECT: Executive Summary – Monthly Project Status Reports

MONTHLY PROJECT STATUS REPORT

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

No activity during the reporting period

Projects Greater than 90 Days Behind Schedule:

No activity during the reporting period

Revisions to Project Charters:

No activity during the reporting period



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

Reporting Period: Jan. 1, 2008 to Jan. 31, 2020

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

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: January 2020

#	Event Date	District	Project	Board Approved Project Charter SubComp Date	Current Contract SubComp Date	Forecasted Contract SubComp Date	# of Days Behind Schedule	Cause(s)	Current Status
---	------------	----------	---------	---	----------------------------------	--	------------------------------	----------	----------------

No Activity During the Reporting Period



Revisions to Project Charters

Reporting Period: January 2020

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

CONTRACTS EXECUTED REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director, Program Operations

DATE: March 4, 2020

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

Contracts Executed Report

This report contains the activity of Contracts executed during the period January 1 through January 31, 2020.

Noteworthy Items during the reporting period:

- Execution of 1 Design Build Contract for the Perth Amboy New High School Project – Terminal Construction Corp. / Dinallo Construction Corp. (JV) – \$247,950,000

Amendments & Change Orders Report

This report contains the activity of Amendments and Change Orders executed during the period January 1 through January 31, 2020.

Noteworthy Items during the reporting period:

- 1 Professional Services Amendment totaling a credit of \$83k was executed during the reporting period that did not require board approval.
- 5 Construction Services Change Orders totaling \$500k were executed during the reporting period, of the 5 executed change orders none required board approval.

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

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

- No Activity to Report



Contracts Executed Report

Reporting Period: 1/1/2020 through: 1/31/2020

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										
Perth Amboy	New Perth Amboy High School	New	DB	ET-0099-B01	Terminal Construction Corp. / Dinallo Construction Corp. (JV)		\$247,950,000	1/6/2020	222,000,000.00	\$222,000,000
Contractor										
Part 2. Construction Services							\$247,950,000			\$222,000,000



Contracts Executed Report

Reporting Period: 1/1/2020 through: 1/31/2020

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										
East Orange	New George Washington Carver E.S.	TBD	FFE	ES-0021-K03	Apple Inc.		\$307,652	1/8/2020	-	
East Orange	New George Washington Carver E.S.	TBD	FFE	ES-0021-K04	SHI International, Inc	MW	\$55,860	1/8/2020	-	
East Orange	New George Washington Carver E.S.	TBD	FFE	ES-0021-K06	Tequipment, Inc.		\$187,910	1/10/2020	-	
East Orange	New George Washington Carver E.S.	TBD	FFE	ES-0021-K07	MRA International, Inc.		\$99,848	1/10/2020	-	
East Orange	New George Washington Carver E.S.	TBD	FFE	ES-0021-K08	Washington Computer Services		\$14,380	1/10/2020	-	
East Orange	New George Washington Carver E.S.	TBD	FFE	ES-0021-Q03	Wenger Corporation		\$11,572	1/2/2020	-	
East Orange	New George Washington Carver E.S.	TBD	FFE	ES-0021-Q04	Wenger Corporation		\$15,410	1/13/2020	-	
East Orange	New George Washington Carver E.S.	TBD	FFE	ES-0021-Q05	Brodart Co		\$72,912	1/15/2020	-	
East Orange	New George Washington Carver E.S.	TBD	FFE	ES-0021-Q06	Community Products LLC dba Community Playthings		\$204,854	1/16/2020	-	
East Orange	New George Washington Carver E.S.	TBD	FFE	ES-0021-Q07	Brodart Co		\$46,552	1/16/2020	-	
East Orange	New George Washington Carver E.S.	TBD	FFE	ES-0021-Q08	Krueger International, Inc.		\$74,123	1/16/2020	-	
East Orange	New George Washington Carver E.S.	TBD	FFE	ES-0021-Q09	Krueger International, Inc.		\$129,354	1/17/2020	-	
Pemberton Township	Denbo Crichton E.S.	RenoAdd	FFE	WT-0023-K01	Data Industries, Ltd.		\$352,300	1/10/2020	-	
Trenton	Trenton Central H.S.	Reno	FFE	WT-0022-F57	Hausmann Industries, Inc.		\$10,834	1/6/2020	-	
Trenton	Trenton Central H.S.	Reno	FFE	WT-0022-K66	Washington Computer Services		\$24,675	1/7/2020	-	
Trenton	Trenton Central H.S.	Reno	FFE	WT-0022-K67	Signal Perfection Ltd.		\$218,412	1/10/2020	-	
Others										
Part 4. Other Contracts & Services										
							\$1,826,648			
							Total Contract Award			Total Contracts Awarded
Grand Totals - Professional and Construction Services Combined							\$249,776,648			17



Contracts Executed Report

Reporting Period: 1/1/2020 through: 1/31/2020

**** 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: 1/1/2020 through: 1/31/2020

District	School Name(s)	Contract Number	Contract Execution Date	CO #	Vendor Name	CO Execution Date	Contract Award Amount	Prior CO's (cumulative)	Current CO Amount	Board Approval Required	Board Approval Date	Revised Contract Amount	Cumulative CO %	
Professional Services														
Construction Management Services														
Newark	South Street E.S.	NE-0003-M02	6/27/2016	1	STV Construction, Inc.	1/30/2020	\$1,409,450	\$0	(\$83,205)			\$1,326,245	-5.90%	
Construction Management Services														
Professional Services														
									(\$83,205)					
Construction Services														
Contractor														
City Of Orange Township	Cleveland Street E.S.	ES-0043-C01	5/2/2019	1	Brockwell & Carrington Contractors, Inc.	1/24/2020	\$18,400,000	\$0	\$411,506			\$18,811,506	2.23%	
Passaic City	Dayton Ave. Educational Campus	NT-0052-B01	1/2/2018	11	Terminal Construction Corp.	1/30/2020	\$163,560,000	\$175,042	\$28,710			\$163,763,752	0.12%	
Passaic City	Dayton Ave. Educational Campus	NT-0052-B01	1/2/2018	12	Terminal Construction Corp.	1/30/2020	\$163,560,000	\$203,752	\$11,687			\$163,775,439	0.13%	
Pemberton Township	Denbo Crichton E.S.	WT-0023-B01	2/14/2018	11	Ernest Bock & Sons, Inc.	1/30/2020	\$43,185,000	\$424,349	\$4,600			\$43,613,949	0.99%	
Perth Amboy	Seaman Avenue School	ET-0031-B01	8/15/2016	11	Epic Management, Inc.	1/15/2020	\$43,570,000	\$433,458	\$43,562			\$44,047,020	1.09%	
Contractor														
									\$500,065					
Construction Services														
										Total Change Order Summary	Total Change Orders			
										\$416,860	6			
Grand Totals														
Column Description Legend														
CO Execution Date			Date the Change Order was entered into the SIMS system											
Revised Contract Amount			Current value of the contract (excluding additional assignments) including current change order											

CONTRACT TERMINATIONS REPORT *(no activity)*

SETTLEMENT CLAIMS *(no activity)*

DIVERSITY AND WORKFORCE PARTICIPATION REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Karon L. Simmonds, Director, Risk Management

DATE: March 4, 2020

SUBJECT: Diversity and Workforce Participation Monthly Update for December 2019

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

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

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

SMALL BUSINESS ENTERPRISE ATTAINMENT

The SDA regularly exceeds the State-mandated 25% SBE goal. The total SDA contract dollars awarded through December 31, 2019 was \$47,762,642. The figures below demonstrate compliance with this requirement.

Diversity Breakdown

The total contract dollars awarded to all SBE contractors was \$14,378,022 (including minorities, women and veterans). This represents 30.10% of all SDA contracts.

Type of Business Enterprise	Contract Amount	% of Total SDA Contracts
Small Business Enterprises	\$ 12,322,876	25.80%
Small/ Minority Business Enterprises	\$ 458,000	0.96%
Small/Women Business Enterprises	\$ 1,597,146	3.34%
Small/Veteran Owned Business Enterprises	\$ -0-	0.00%
Small/Minority/Women Business Enterprises	\$ -0-	0.00%
TOTAL DIVERSITY CONTRACTS	\$ 14,378,022	30.10%

Members of the Authority
 Diversity and Workforce Participation Monthly Update for December 2019
 March 4, 2020
 Page 2 of 3

WORKFORCE PARTICIPATION

For the month of December 2019, there was a contractor workforce of 686 on SDA projects. This represents a total of 63,111 contractor workforce hours as follows:

Contractor Workforce Breakdown (All Trades/Districts/Counties)			
Ethnicity	Total Workforce	Total Workforce Hours	Workforce Hours Percentage
Black	63	6,443	10.21%
Hispanic	131	10,044	15.92%
American Indian	2	144	0.23%
Asian	3	167	0.27%
Total Minority Participation	199	16,798	26.62%
Total Non-Minority Participation	487	46,313	73.38%
Total Contractor Workforce	686	63,111	100.00%

There was a contractor workforce of 829,656 total workforce hours and 14,148 total female workforce hours on SDA projects for the period of January 1, 2019 through December 31, 2019. The following table highlights the *Local County Contractor Workforce* participation for this period:

Local County Contractor Workforce Participation	Workforce Hours	Percentage
*Total Workforce Hours	829,656	100.00%
*Total Local County Workforce Hours	73,972	8.78%
Total Local County Non-Minority Workforce Hours	31,010	3.74%
Total Local County Female Workforce Hours	1,173	0.14%
Total Local County Minority Workforce Hours	41,789	5.04%
**Local County Workforce Hours by Ethnicity:		
Black	22,966	2.77%
Hispanic	18,799	2.27%
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
 Diversity and Workforce Participation Monthly Update for December 2019
 March 4, 2020
 Page 3 of 3

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

SDA Managed Project	Total Workforce Hours	Minority Workforce Hours & Percentage		Local County Workforce Hours & Percentage	
Camden HS	66,407	20,822	31.36%	3,739	5.63%
GW Carver ES	75,388	28,587	37.92%	13,517	17.93%
Harrison ES	67,504	22,752	33.70%	-0-	0.00%
Madison Ave ES	32,222	11,282	35.01%	7,171	22.25%
Millville HS	134,637	39,024	28.98%	21,768	16.17%
Leonard Place ES	14,108	1,689	11.97%	1,784	12.65%
Dayton Ave Campus	193,034	57,358	29.71%	7,838	4.06%
Union Ave ES	4,921	377	7.66%	-0-	0.00%
Denbo-Crichton ES	94,251	20,223	21.46%	3,478	3.69%
Seaman Ave ES	44,266	7,184	16.23%	6,426	14.52%
Trenton Central HS	84,800	25,031	29.52%	8,251	9.73%
Emergent Projects	18,102	8,569	47.34%	-0-	0.00%

Prepared by: Charlotte Brooks

REGULAR OPERATING DISTRICTS (RODs) ACTIVITY REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director, Program Operations

DATE: March 4, 2020

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

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

Monthly Update:

- No grants were offered during the reporting period.
- 1 grant impacting was executed during the reporting period representing \$266k in total project costs and state share of \$106k.
- 11 grants impacting 6 districts were closed out during the reporting period representing \$6.3M in total project costs and state share of \$3.1M.
- Since inception, over \$2.9B has been disbursed to 524 regular operating districts through the grant program.
- Since inception over \$3.3B in funding has been approved by the Department of Education and offered to regular operating districts through the grant program.



STATE OF NEW JERSEY
SCHOOLS DEVELOPMENT AUTHORITY

Monthly Regular Operating District Grant Report - Summary

January 2020

ROD Grant Summary Since Program Inception				
	Offered ¹	Executed	Closed-Out	Active
Districts Impacted	-	524	514	108
Number of Grant Projects	-	5,406	5,009	397
Total Project Cost Estimate	\$ -	\$ 8,948,688,427	\$ 8,501,948,883	\$ 446,739,544
Grant Amount	\$ -	\$ 3,006,847,245	\$ 2,812,353,873	\$ 194,493,373
Amount Disbursed	N/A	\$ 2,913,619,213	\$ 2,812,353,873	\$ 101,265,340

Total Funding Offered to School Districts via Grant Program	\$ 3,342,209,450
Total ROD Grant Funding remaining for new Grant Projects	\$ 80,999,645

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

Monthly Activity ROD Grant Summary		
	Executed	Closed-Out
Districts Impacted	1	6
Number of Grant Projects	1	11
Total Project Cost Estimate	\$ 265,500	\$ 6,322,974
Grant Amount	\$ 106,200	\$ 3,088,581
Amount Disbursed	NA	\$ 3,088,581

* 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.



Monthly Regular Operating District Grant Report - Monthly Executed Grant Detail

January 2020

County	District	School Name	Total Project Cost Estimate	Grant Amount	Project Description
Camden	Haddonfield Borough	Haddonfield Memorial H.S.	\$ 265,500	\$ 106,200	Removal and replacement of various fascia, soffits and cupolas
Grand Total		Grants Executed - 1	\$ 265,500	\$ 106,200	

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 *(no report)*

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.