

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD TELECONFERENCE MEETING
WEDNESDAY, SEPTEMBER 1, 2021 AT 9:00 A.M.**

- 1. NOTICE OF PUBLIC MEETING**
- 2. ROLL CALL**
- 3. APPROVAL OF MEETING MINUTES**
 - a. Board Open Session Meeting Minutes of August 4, 2021
- 4. AUTHORITY MATTERS**
 - a. CEO Report
 - b. Chairman's Report
- 5. REPORT AND RECOMMENDATIONS OF THE SCHOOL REVIEW COMMITTEE (CHAIRMAN'S REPORT)**
 - a. Release of Funds from Program Reserve, Award of Contract, and Approval of the Final Project Charter Newark Public School District – Shabazz High School Emergent Project – Structural and Cantilever Slab Repairs
- 6. REPORT AND RECOMMENDATIONS OF THE REAL ESTATE COMMITTEE (CHAIRMAN'S REPORT)**
 - a. Minor Modifications to Proposed Rules - N.J.A.C. 19:35-1.1 to 6.1 **[INFORMATIONAL]**
- 7. 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
 - 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 activity*)
 - xi. Monthly Financial Report
 - xii. Design Contract De-Obligations Report (*no activity*)
 - xiii. Completed Executive Session Matters Report
- 8. PUBLIC COMMENTS**
- 9. EXECUTIVE SESSION**
 - a. Amendment No. - 1 Epic Management Inc. and Amendment No. 17 - Lan Associates - Orange Public School District - Orange Cleveland Street Elementary School
 - b. Litigation/Contract Matter(s) – OPMA Exemption N.J.S.A. 10:4-12b (7)
CCD Report (*no activity*)
- 10. ADJOURNMENT**

APPROVAL OF MEETING MINUTES

AUGUST 4, 2021 OPEN SESSION MINUTES

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS TELECONFERENCE MEETING
WEDNESDAY, AUGUST 4, 2021**

A teleconference meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, August 4, 2021 at 9:00 A.M.

Participating by teleconference were:

Robert Nixon, Chairman
Michael Kanef (Treasury)
Bernard Piaia (DOE)
David Nuse (EDA)
Kevin Luckie (DCA)
Richard Elbert
Daniel Gumble
Loren Lemelle
Michael Maloney
Mario Vargas

being a quorum of the Members of the Board.

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 by teleconference. Joy Johnson of the Governor's Authorities Unit (GAU) also participated in the meeting by teleconference.

The meeting was called to order by Mr. Nixon, the Chairman of the Board. The Chairman asked Ms. Kelly to read the requisite notice of the meeting. Ms. Kelly announced that the meeting notice had been sent to the *Trenton Times* and *Star-Ledger* at least 48 hours prior to the

meeting. She said that a call-in number was provided on the SDA Website so that members of the public could participate in the meeting by teleconference. She also advised the Members that the call-in number for the meeting was posted at the SDA offices earlier in the morning. Ms. Kelly then conducted a roll call and indicated that a quorum of the Members of the Board was present.

Approval of Meeting Minutes

The Chairman presented for consideration and approval the minutes of the Board's July 7, 2021 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. Elbert, the Open Session minutes of the July 7, 2021 SDA Board meeting were approved by the Board with the Members' unanimous vote in favor of the resolution attached hereto as ***Resolution 3a***.

Authority Matters

CEO Report

The Chairman then asked Mr. Da Silva for the Report of the CEO. Mr. Da Silva began his report with an update on design-build projects in construction. He reported that final inspections are nearing completion for the Camden HS project, noting that the SDA anticipates applying to the Department of Community Affairs (DCA) for a temporary certificate of occupancy (TCO) this month. With regard to the Millville HS addition and renovations project, he said that the facility's north addition - Phase III of this multi-phase project - will deliver in September 2021. He advised the Board that the north addition includes science classrooms, a gymnasium and a dance studio, among other spaces. He reported that Phase III interior finish work continues in the auxiliary gym and locker rooms; and that all other Phase III area work is

complete as are final inspections of those completed areas. He said that the application for a TCO for the north addition was submitted to the DCA on July 30, 2021.

In continuing, Mr. Da Silva reported that for the Passaic Dayton Avenue Educational Campus project, all mechanical, electrical and plumbing systems work is currently completing, including set up on the building management system. He added that curbs, driveways and paving are completing and final inspections have commenced. For the Paterson Union Avenue MS project, he said that all interior work is being completed. He added that elevator installation work is completing for the 2nd elevator. Mr. Da Silva then advised that for the Perth Amboy HS project, production piles installation work is underway and is anticipated for completion in September. He reported that for Plainfield Woodland ES project, footings and foundations are completing and underground utilities work has commenced. He noted that steel fabrication is underway and steel erection is planned for late August.

Turning to design-bid-build projects in the construction stage, Mr. Da Silva reported that exterior walls and concrete floor slab construction are underway for the addition to the Keansburg Port Monmouth Road School project. For the Orange HS project, he said that furniture delivery has begun. He added that management anticipates applying for a TCO for the addition this month.

With respect to projects in the programming/pre-design/in-house design stages, Mr. Da Silva said that for the Union City New Grade 7 to 9 School project, the demolition and early site preparation package was advertised in May 2021. He advised the Board that bids were received and opened on July 14, 2021 and noted that an award recommendation is on today's meeting agenda.

In continuing, Mr. Da Silva informed the Members that last year the SDA delivered three new schools and one addition. He said that this year the SDA is on target to deliver two additions (Millville and Orange) and two new schools (Camden and Paterson).

Mr. Da Silva then thanked the SDA staff for their hard work, along with the DCA staff members who have been working throughout the pandemic and making sure that all required inspections proceed. He also thanked SDA's union partners and the Members of the SDA Board for their hard work and commitment to the Authority's projects.

Turning to non-project related matters, Mr. Da Silva reported that on July 14 the SDA participated in the groundbreaking ceremony for the new Anna and Charles Booker ES in Plainfield. He said that Mr. and Mrs. Booker were on hand for the ceremony. He thanked Board Members Mario Vargas and Richard Elbert for attending the celebration as well.

Next, Mr. Da Silva provided the Board with an update regarding the SDA-owned Astor Place property in Jersey City. He reminded the Members that he had updated the Board on July 7 regarding SDA's efforts to advance a licensing arrangement for a community garden adjacent to the Julia A. Barnes School on Astor Place in Jersey City. He said that the SDA had first suggested such an arrangement in March 2021 and has been waiting since mid-May 2021 for written comments from the district and from the Black Interest Team Enterprise Corporation (B.I.T.E.) on the proposed licensing documents.

He advised that the SDA has communicated to both Bishop Bland and B.I.T.E.'s legal counsel that it remains prepared to enter into a licensing arrangement for a community garden. He noted that B.I.T.E.'s counsel advised that he plans to communicate further with B.I.T.E. and to then contact the district and the SDA with comments or an executed document.

Finally, Mr. Da Silva reported that the Authority's Annual Report for 2020 has been prepared by management in compliance with the SDA bylaws and in accordance with Executive

Order No. 37. He explained that the Annual Report is comprised, among other things, of the Authority's audited financial statements and identifies internal controls that govern expenditures, procurements and other financial matters and transactions. He said that management is recommending that the Board approve the Authority's 2020 Annual Report. He asked that the Chairman present ***Resolution 4ai*** for a vote.

Mr. Nixon said that he wanted to commend the staff, particularly on the drafting of the SDA Annual Report. He said that the SDA does a lot of reporting and self-analysis that is shared with the public. He added that the SDA is doing wonderful things around the State of New Jersey, thanks to its dedicated employees and union partners who make sure that the work proceeds smoothly and efficiently.

A resolution pertaining to the 2020 SDA Annual Report was provided to the Members in advance of the meeting. Following discussion, upon a motion by Mr. Vargas and seconded by Ms. Lemelle, the Authority's 2020 Annual Report was approved by the Board upon its unanimous vote in favor of the resolution attached hereto as ***Resolution 4ai***.

Mr. Vargas encouraged the Members to take the time to attend school openings, groundbreaking and other Authority events. He said that participating in these celebrations provides an opportunity to see the positive impact that the SDA's work has on the students and the districts.

In concluding his report, Mr. Da Silva said that he wanted to thank SDA's deputy director of communications, Edey Maier, for her good work setting up the Plainfield groundbreaking event and spearheading development of the SDA's Annual and Biannual reports.

Audit Committee

Approval of Legal Services Awards – Package No. GP-0276-R01; Approval of Reallocation of Funds – Owner Controlled Insurance Program Package No. GP-0208-R02

Mr. Nixon, as Audit Committee Chairman, reported that the Audit Committee met on July 19, 2021 at which time management provided the Committee with the June 2021 New Funding Allocation and Capital Plan Update. He advised that there was a \$7.9 million decrease in the Unforeseen Events Reserve balance due to Board approval of the revised final project charter for the Millville Senior HS addition and renovation project. He explained that the revised project charter serves to replenish contingency utilized to fund Board approved additional facility conditions and flood hazard area mitigation project scope. He reported that furniture and technology budgets have been increased to reflect project needs. Mr. Nixon also advised that staff reported a \$2.7 million decrease in the 2011 Capital Plan Emergent Projects Reserve balance due to Board approval of a release of funds for the Newark Technology HS emergent vault structural repair and façade repair project. He said that there were no changes in any of the other reserve balances for the SDA Districts during the reporting period. Mr. Nixon then advised the Board that the reserve balance for the Regular Operating Districts (RODs) increased by \$300,000 during the reporting period due to a reduction in state share for grant projects nearing completion.

Next, Mr. Nixon provided the June 2021 Monthly Financial Report. He advised the Members that the Authority's operating expenses (Actual vs. Budget) for the year-to-date period totaled \$8.2 million, down \$1.4 million as compared to the budget for the corresponding period. He explained that this decrease is mainly attributable to a decrease in personnel costs resulting primarily from the Authority having 12 fewer FTEs than budgeted, as well as lower spending for facilities and general office expenses, professional & other contracted services, information

systems and SDA-owned automobiles. He advised that this decrease is partially offset by lower than projected payroll allocation to project expenditures. Mr. Nixon then reported that school facilities project expenditures (Actual vs. Forecast) for the year-to-date period total approximately \$112.9 million, approximately \$48.1 million lower as compared to the capital spending forecast for the corresponding period. He advised the Members that this variance is the result of lower than forecasted expenditures for construction activity, grant activity, school furniture purchases, project insurance, property insurance, payroll expense allocations to project expenditures and design services. Mr. Nixon said that project expenditures (Actual vs. Prior Year Actual), at approximately \$112.9 million, are lower by approximately \$25.3 million when compared to the capital sending forecast for the corresponding period. He advised the Members that this variance is the result of lower than forecasted expenditures for grant activity, construction activity, project insurance, school furniture purchases and design services.

Mr. Nixon said that, since program inception, 90.1% of the funds authorized for the SDA districts have been disbursed. Additionally, he noted that 96% of all SDA disbursements relate to school facilities projects, while 4% relate to operating expenses. He advised that the estimated value of active school facilities capital projects, along with emergent and regular operating district grant projects, is approximately \$2 billion.

Next, Mr. Nixon advised that two items were discussed by the Committee at its July meeting that require Board action. He said that the first item for Board consideration is management's recommendation for approval of proposed Legal Services Awards (the Awards). Referencing a memorandum that was distributed to the Members in advance of the meeting, he explained that, upon management's recommendation, the Audit Committee is advancing for approval task order awards to 11 law firms with expertise in 6 areas. He listed those areas as: 1) environmental law; 2) government contracting, bid protests & procurement; 3) employment law;

4) professional errors & omissions & cost recovery; 5) construction litigation; and 6) real estate law. He noted that these services were similarly procured by the SDA on 6 prior occasions beginning in 2008 to complement the legal support provided to the Authority through its Office of Chief Counsel and by the Division of Law in the Office of the Attorney General. He said that the Board is requested to approve the proposed award of contracts to 11 firms to provide these services following a competitive procurement process. He added that 10 of the 11 proposed firms are included in the Authority's current contracts. He explained that 3 or 5 firms were selected for each specialty area, the number dependent upon the anticipated volume of assignments in each specialty area and/or the potential need to address conflicts. He advised that attorney services will be performed for a blended hourly rate of \$200 and an hourly rate of \$90 for paralegals for the two-year term. He advised that these rates are the same rates utilized in the prior procurements. He advised the Board that no one firm can be compensated in excess of \$1,500,000 over the term of the engagement, regardless of whether it provides services in one or more of the specialty areas.

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. Nuse, the Board approved the proposed contract awards for legal services for a 2-year term with its unanimous vote in favor of *Resolution 5a*.

Lastly, Mr. Nixon advised the Members that management and the Audit Committee are recommending approval of the proposed reallocation of contract funds within the Authority's Owner Controlled Insurance Program III (OCIP), as fully described in the meeting materials. He reminded the Members that in December 2014 the Board approved the purchase of various OCIP wrap-up policies from Liberty Mutual Insurance (Liberty Mutual) and others for excess liability coverage at a cost not-to-exceed \$20,272,000. He said that among the wrap-up policies included

in OCIP are workers' compensation, general liability and excess liability. He explained that when OCIP was initially purchased in 2015, the purchase amount was based on a construction value of \$431 million; however, in order to account for anticipated fluctuations in construction costs, the Board approved costs based on a not-to-exceed aggregate construction value of \$654 million. Mr. Nixon said that Liberty Mutual's final audit for the 5 year term ending April 1, 2020 (with a one month extension) resulted in actual enrolled construction values of \$540.4 million representing an increase of \$109.4 million to Liberty Mutual. He said that, based on final audited construction values for enrolled projects, the audit determined that SDA owes Liberty Mutual an additional \$519,000 and \$233,000 respectively, for workers' compensation and general liability premiums. He advised the Board that staff has reviewed the audited values and is in agreement with the results.

Mr. Nixon advised the Board that the contract has sufficient funds remaining to cover the additional premium costs; however, there are insufficient funds available in the workers' compensation insurance line to pay the entire additional workers' compensation amount (\$519,000). Mr. Nixon said that this reallocation of funds does not require the expenditure of any new monies. He said that the reallocation will cover the unanticipated construction values thus assuring that the Authority's projects are properly insured.

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. Piaia and seconded by Mr. Elbert, the Board approved the proposed reallocation of funds for the Authority's OCIP III program with its unanimous vote in favor of *Resolution 5b*.

School Review Committee

Demolition and Site Preparation Contractor Services - Union City Public School District - Union City New Middle School project

Mr. Nixon asked Mr. Luckie to provide the report of the School Review Committee. Mr. Luckie reported that the School Review Committee met on July 19, 2021 at which time one item was discussed. He advised the Board that management is seeking approval of an award for demolition and site preparation contractor services for the Union City New MS project (Project). He reported that the Project is planned as a 125,000 square foot new school to educate 756 students in grades 7 to 9. He reminded the Members that on December 4, 2019 the Board approved a revised preliminary charter for the Project. He explained that the Project includes the completed acquisition of 4 properties in order to provide an adequately-sized site for the facility. Mr. Luckie said that the acquired properties adjoin the main site for delivery of the Project, land formerly owned by the Union City Parking Authority that is under agreement for sale to the district. Mr. Luckie said that the package for the required demolition services was advertised beginning on May 19, 2021 and, upon completion of a competitive procurement process, the responsive low bidder was The Ambient Group, LLC (Ambient). He advised that management now recommends that the Board approve the award of a contract in the amount of \$567,700 to Ambient, inclusive of SDA-established allowances totaling \$210,000, for demolition of existing structures on the SDA owned Properties, removal of 7 underground storage tanks, and limited site restoration activities, in preparation for delivery of the Project. He said that, following review, Ambient confirmed that its price proposal is inclusive of all scope elements contained in the contract documents. He informed the Members that management expects to advertise in the fourth quarter of 2021 for design-build services for delivery of the Project. He noted that, prior to execution of the contract, the contract and related documentation will be reviewed and approved by the SDA Division of Chief Counsel.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion duly made by Mr. Vargas and seconded by Mr. Piaia, an award to The

Ambient Group, LLC for demolition and site preparation contractor services for the Union City New MS project was approved with the Board's unanimous vote in favor of ***Resolution 6a***.

Public Comments

The Chairman then opened the Public Comments portion of the meeting. No member of the public indicated an interest in addressing the Board.

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 August 4, 2021 meeting.

/s/ Jane F. Kelly
Assistant Secretary

Resolution—3a.

Approval of Minutes

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

WHEREAS, pursuant to Section 3(k) of P.L. 2007, Chapter 137, the minutes of the August 4, 2021 Board meeting of the New Jersey Schools Development Authority, for the Open Session were duly forwarded to the Office of the Governor following the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the minutes of the New Jersey Schools Development Authority's August 4, 2021 Open Session meeting is hereby approved.

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

Dated: September 1, 2021

AUTHORITY MATTERS

CEO REPORT

CHAIRMAN'S REPORT

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

**Release of Funds from Program Reserve, Award of Contract, and Approval of the Final
Project Charter - Newark Public School District – Malcolm X. Shabazz High School
Emergent Project –Structural and Cantilever Slab Repairs**

MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy, Director, Procurement
Andrew Oakley, Program Director, Construction Operations

RE: District: Newark Public Schools
School: Malcolm X. Shabazz HS
Description: Emergent Project – Structural and Cantilever Slab Repairs
Package No.: EP-0114-C01
CCE: \$1,946,038
Advertised CCE Range \$1,751,434 to \$2,140,642
Award: \$1,699,000
CM: NJSDA Self-Managed

DATE: September 1, 2021

SUBJECT: Release of Funds from Program Reserve, Award of Contract, and Approval of the Final Project Charter
Newark Public School District – Shabazz HS
Emergent Project – Structural and Cantilever Slab Repairs

INTRODUCTION

We are writing to recommend approval by the Members of the Authority of three related actions necessary to address emergent conditions at the Malcolm X. Shabazz (“Shabazz”) HS in the Newark Public School District:

1. The release of funds from the NJSDA Program Reserve maintained for emergent projects;
2. The award of a construction contract; and
3. The Final Project Charter representing the project budget inclusive of dollar values for the award for construction, appropriate contingency, allowance, NJSDA staff costs, other costs and prior allocation of funds for the professional services.

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

At the July 2008 Board meeting, the Members approved the 2008 New Funding Allocation and Capital Plan which allocated \$97 million to fund emergent projects in the 31 SDA Districts. Additionally, at the March 2, 2011 Board meeting, the Members approved the 2011 Capital Program which allocated an additional \$100 Million to fund emergent projects creating a total reserve of \$197 million to address emergent projects throughout the SDA Districts. Most recently, at the July 1, 2020 Board meeting, the Members approved a reallocation of funds from Unforeseen Events Reserve to the Emergent Projects Reserve, providing an additional \$55.6 million to support the advancement of emergent projects. Funding for the Newark Shabazz High School project is available within the established reserves for emergent projects.

BACKGROUND

Shabazz High School was constructed in 1976 and educates approximately 560 students in grades nine through twelve.

Upon confirmation of the existence of emergent Structural Floor Slab deficient conditions at the school, the NJSDA engaged Design Resources Group, Architects, AIA (“DRG”) in October 2018 to provide necessary investigative and design services to address the Structural Deficiencies in the Waffle Floor Slabs and work associated with a deflecting Cantilevered Slab that was added to the scope of work during the Pre Design Phase. DRG was engaged through utilization of the NJSDA’s 2017 Design Consultant Task

Order Contract.

The design work is complete, and we are now recommending Board approval of an engagement for General Construction services. DRG will provide limited Construction Management Services for the project with NJSDA staff providing daily oversight of the project.

PROCUREMENT PROCESS

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

At the September 4, 2019 Board Meeting, the Members of the Authority approved the use of the GC Task Order Contract. The GC Task Order Contract has been structured so that the Authority has a pool of contractors to perform certain work. Overall, no individual task order can exceed \$3 million and no individual firm can receive more than \$5 million of work per region during the duration of the Contract. Bidders were required to select a region (North, South, or both) for job order assignments. Bidders were also required to accept the defined cost multiplier of 1.15, as determined by the Authority, for use in establishing compensation for those task order rotational assignments to be performed on a time and materials basis. GC Task Order Contract work may also be assigned on a lump sum fee basis after competitive bidding among Task Order Contractors.

This package was bid on a lump sum basis pursuant to the NJSDA's existing GC Task Order Contract. This package was advertised beginning on May 20, 2021 and constitutes a Task Order scope of work pursuant to the GC Task Order Contract. Bidding for the work was therefore limited to participants in the existing GC Task Order Contract, who hold a valid "Inclusion Notice" for the Northern Region. Accordingly, only bids from participants holding a valid "Inclusion Notice" for the Northern Region were considered for this work.

A non-mandatory pre-bid teleconference was held on June 4, 2021.

A mandatory site visit was held on June 4, 2021.

Bidder Questions were received by June 23, 2021. Addenda containing responses to the Bidder Questions were issued to the bidders on July 2 and July 12, 2021.

A single Price Proposal was received on July 22, 2021. The Price Proposal was publically opened and the lump sum base bid was read aloud as required by law.

Following the public bid opening, the NJSDA performed a review of the Price Proposal to determine the responsiveness of the single bidder to the solicitation. The review determined that the bidder was responsive. The result of the review is listed below:

Contractor	Bid Amount	Comments
Hall Building Corporation ¹	\$1,699,000.00	Qualified and responsive bidder.

As stipulated in the Contract Documents, the Bid Amount is inclusive of an NJSDA-established Allowance of \$380,000 for Hazardous Materials and Related Activities.

After consultation with the Construction Operations Team, the Office of Chief Counsel and the Executive Team, NJSDA staff were authorized to negotiate price with the single responsive bidder consistent with the “Educational Facilities Construction and Financing Act” P.L. 2000, c.72, codified at N.J.S.A. 52:18A-243j. NJSDA’s “Negotiating Construction Contracts Standard Operating Procedures” provides procedural guidance in securing and negotiating contracts with contractors under conditions when there is no public bid (public exigency), when no bids have been received after having twice solicited (or when bids received are deemed unresponsive), or when only one responsive bid is secured. A “Request for Contract Negotiation Form” was approved by the Chief Financial Officer and Chief Counsel. This approval authorized NJSDA staff to initiate price negotiations with Hall Building

¹ Hall Building Corporation listed the following subcontractors for the required trades in its Price Proposal: Stateline Fabricators, LLC (Structural Steel), Epic Mechanical, Inc. (HVACR), and Beach Electric Company, Inc. (Electrical).

Corporation (“HBC”). Any opportunity for a price reduction through negotiation would of course be identified and considered through performance of a detailed bid review.

The bid submitted by HBC was less than the CCE. In order to understand the difference between the CCE and the bid price and to ensure the contractor’s Price Proposal was inclusive of all scope elements, a conference was conducted on July 28, 2021 with HBC and staff from Procurement, Construction Operations, Program Operations and Financial Operations to review the bid. The discussion verified that HBC had included all project scope work in its bid and identified that the majority of the overall variance between the NJSDA’s CCE and HBC’s Price Proposal is attributable to lower costs for the following; work associated with the application of carbon reinforced polymers, general conditions, bond, and insurance costs. At the time of review, HBC confirmed that its Price Proposal is inclusive of all scope elements contained in the Contract Documents. NJSDA staff believes the bid amount of \$1,699,000 is a fair and reasonable price consistent with the project’s scope of work. Therefore, price negotiations were determined to be unnecessary and were not pursued.

The Construction Operations Director and the Financial Operations Director recommend award of the project to HBC.

SCOPE OF WORK

The scope of work for this GC Task Order engagement includes:

1. Application of Carbon Fiber Reinforcement Polymers on cracked concrete waffle slab ribs in Boy’s Locker Room, Girl’s Locker Room and Cafeteria.
2. Installation of Steel Columns to support deflecting cantilever slab in Digital Arts and Music Rooms.
3. Removal and reinstallation of Mechanical/Electrical/Plumbing fixtures in Boy’s Locker Room, Girl’s Locker Room and Cafeteria.
4. Painting of all areas where Carbon Fiber Reinforcement is to be applied in Boy’s Locker Room, Girl’s Locker Room and Cafeteria, to match existing.

The schedule for the performance of the corrective work is phased in recognition that it will be performed in an occupied school facility.

An Allowance of \$380,000 has been established for Hazardous Materials and Related Activates. The allowance may be utilized for testing, inspections, abatement and all related work.

FINAL BUDGET

Based upon the results of the bid opening, the construction cost to address the emergent work is \$1,699,000. The total funding, including design cost, construction cost, contingencies, allowances, and NJSDA staff costs is estimated at a value in the amount of \$3,189,000. The funding for the total project costs are available within the NJSDA Program Reserve maintained for emergent projects

Budget Summary

• Construction Costs	\$ 1,319,000
• Construction Allowance	\$ 380,000
• Construction Contingency (15%)	\$ 260,000
• Design Costs including (10%) Contingency	\$ 830,000
• Project Management (NJSDA Staff)	\$ 320,000
• Other Costs (5%)	\$ 80,000
• Total Costs	\$ 3,189,000

SCHEDULE

Construction is anticipated to begin October 1, 2021. The Schedule recognizes an overall construction duration of 117 calendar days, with the work phased. Substantial Completion is anticipated to be reached on January 25, 2022.

RECOMMENDATION

The Members of the Authority are requested to approve:

1. The release of \$2,433,067 from the NJSDA Program Reserve maintained for emergent projects;
2. The award of a construction contract to Hall Building Corporation for Contract No. EP-0114-C01 in the amount of \$1,699,000, inclusive of an NJSDA-established Allowance in the amount of \$380,000. Prior to execution of the contract, the contract and related documentation will be reviewed and approved by the NJSDA Division of Chief Counsel; and
3. The Final Project Charter (copy attached) representing all expended and projected funds necessary for completion of project.

/s/ Sean Murphy

Sean Murphy, Director, Procurement

/s/ Andrew Oakley

Andrew Oakley, Program Director, Construction Operations

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

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

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

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

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

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

Prepared and Recommended by: Sarmad Kamran, Assistant Program Officer, Construction Operations

New Jersey Schools Development Authority Emergent Project Charter - Summary

Charter Date
09/01/21

Supersedes Charter Dated
N/A

Region: Northern
District: Newark
School Name: Malcolm X. Shabazz High School
Project Type: Emergent
DOE # / Project #: 3570-050-17-0AEV
Project Location: 80 Johnson Ave. Newark, NJ 07108

Project Budget: \$ 3,189,000
Anticipated Construction NTP Date: Sep-21
Anticipated Final Completion Date: March-22
Project Initiation Date: October-18

Funding Source
2011 Emergent Reserve

Charter Version and Date	Project Summary
<input checked="" type="checkbox"/> Final <div style="float: right;">09/01/21</div>	Emergent Structural Repairs including: 1. Carbon Fiber Reinforcement Polymers to be applied on cracked concrete waffle slab ribs in Boy's Locker Room, Girl's Locker Room and Cafeteria. 2. Installation of Steel Columns to support deflecting cantilever slab in Digital Arts and Music Rooms. 3. Removal and reinstallation of MEP fixtures in Boy's Locker Room, Girl's Locker Room and Cafeteria. 4. All areas where Carbon Fiber Reinforcement is to be applied in Boy's Locker Room, Girl's Locker Room and Cafeteria is to be painted to match existing.
Revision # and Date	
<input type="checkbox"/> One	
<input type="checkbox"/> Two	
<input type="checkbox"/> Three	Purpose for Advancement of Emergent Charter
	To establish the final budget for the project inclusive of dollar values for the award for construction, appropriate contingency, allowances, NJSDA staff costs, and estimated other costs.

Recommendation

/s/ Andrew Oakley	Sep 1, 2021	/s/ Gregory Voronov	Sep 1, 2021
Program Director - Project	Date	Managing Director - Program Operations	Date
Andrew Oakley		Gregory Voronov	
	Date	/s/ Andrew Yosha	Sep 1, 2021
	Date	VP - Program Ops and Strategic Planning	Date
		Andrew Yosha	

Approval

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

/s/ Manuel Da Silva	Sep 1, 2021
Chief Executive Officer	Date
Manuel Da Silva	

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

District / Project Name:	Newark/Malcolm X. Shabazz High School
DOE # / Project #:	3570-050-17-0AEV
Charter Date:	09/01/21

Special Considerations:

The project budget is based upon the award value of the Contract for General Construction Services. Other Costs for projects range from 2% to 5% of Building Costs, with such costs for Emergent Projects budgeted at 5%. These costs are inclusive of projected DCA fees for permits and anticipated inspections. 1 allowance totaling \$380,000 has been established for Hazardous Materials and Related Activities.

Project Budget:

GC Task Order with Design Costs	
Design & Construction Costs	\$1,319,000
Allowances	\$380,000
Construction Contingency	\$260,000
Total Construction Costs	\$1,959,000
Other Costs:	
Design Services	\$830,000
Project Management (SDA Staff)	\$320,000
Other Costs	\$80,000
Total Other Costs	\$1,230,000
PreDevelopment & Environmental Costs:	
PreDevelopment	\$0
Environmental/Remediation	\$0
Total PreDevelopment & Environmental Costs	\$0
Total Project Budget	\$3,189,000
2011 Emergent Reserve Impact	
Prior Funding Approved	\$755,933
Current Funding Requested	\$2,433,067

Resolution—5a.

Release of Funds from Program Reserve, Award of Contract, and Approval of Final Project
Charter, Newark Public Schools District – Malcolm X. Shabazz High School,
Emergent Project – Structural and Cantilever Slab Repairs

District:	Newark Public Schools District
School Name:	Malcolm X. Shabazz High School
Description:	Emergent Project – Structural and Cantilever Slab Repairs
Package No:	EP-0114-C01
CCE:	\$1,946,038
Advertised CCE Range:	\$1,751,434 to \$2,140,642
Award:	\$1,699,000
PMF/CM:	NJSDA Self-Managed

Resolution

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

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

WHEREAS, in September 2019, the Members of the Authority approved the use of the General Construction Task Order Contract (GC Task Order Contract) authorizing establishment of a pool of contractors to perform certain SDA project work; and

WHEREAS, the background and details of the GC Task Order Contract are set forth in the memorandum presented to the Board on this date; and

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

WHEREAS, the Malcolm X. Shabazz High School (the School) was constructed in 1976 in the Newark Public Schools District (District) and educates approximately 560 students in grades nine through twelve; and

WHEREAS, upon confirmation of the existence of emergent structural floor slab deficient conditions at the School, the SDA utilized the 2017 Design Consultant Task Order Contract to engage Design Resources Group Architects, AIA (DRG) in October 2018 to provide necessary investigative and design services to address the structural deficiencies in the waffle floor slabs and work associated with a deflecting cantilevered slab that was added to the scope of work during the Pre-Design Phase; and

WHEREAS, with design work complete, management recommends Board approval of a contract award for general construction services, with DRG to provide limited construction management services and SDA staff providing daily oversight for the project; and

WHEREAS, the construction task order assignment recommended for this Project results from utilization of the SDA GC Task Order Contract; and

WHEREAS, the GC Task Order Contract provides that work may be assigned on a lump sum fee basis after competitive bidding among task order contractors; and

WHEREAS, the package for work on the Project was bid on a lump sum basis with advertising beginning on May 20, 2021; and

WHEREAS, funding from the Program Reserves was available and had been allocated for Project work; and

WHEREAS, the memorandum presented to the Board on this date and incorporated herein sets forth in detail the Project's scope of work, along with the Project's final budget and a description of the procurement process utilized by management; and

WHEREAS, upon completion of the procurement process, the construction operations director and the financial operations director recommend award of the Project to Hall Building Corporation (Hall) for Contract No. EP-0114-C01 in the amount of \$1,699,000 inclusive of SDA-established allowances totaling \$380,000; and

WHEREAS, following review, management determined that Hall has included all Project scope work in its bid and Hall has confirmed that its price proposal is inclusive of all scope elements contained in the contract documents; and

WHEREAS, management further also recommends that the Members of the Authority approve the Project's final charter and the release of \$2,433,067 from the emergent projects reserve for the Project; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the release of \$2,433,067 from the SDA Emergent Program Reserve to address the emergent project at the Malcolm X. Shabazz High School in the Newark Public Schools District.

BE IT FURTHER RESOLVED, that the Members of the Authority approve the award of a construction contract to Hall Building Corporation in the amount of \$1,699,000 for Contract No. EP-0114-C01, inclusive of an SDA-established Allowances totaling \$380,000.

BE IT FURTHER RESOLVED, that the Members of the Authority approve a Final Charter for the Project, representing all expended and projected funds necessary for completion of the emergent project presented to the Board on this date.

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

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

Attached: Memorandum, Release of Funds from Program Reserve, Award of Contract, and Approval Final Project Charter, Newark Public Schools District, Malcolm X. Shabazz High School, Emergent Project, dated, September 1, 2021

Dated: September 1, 2021

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

**Memorandum Documenting Minor Modifications to Proposed Rules in Response to OAL Comments:
Proposed New Rules for Disposition of Surplus Real and Personal Property of the New Jersey Schools
Development Authority, N.J.A.C. 19:35**

[INFORMATIONAL]



STATE OF NEW JERSEY

SCHOOLS DEVELOPMENT AUTHORITY

MEMORANDUM

TO: Members of the Authority

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

DATE: September 1, 2021

RE: Informational Memorandum Documenting Minor Modifications to Proposed Rules in Response to OAL Comments:
Proposed New Rules for Disposition of Surplus Real and Personal Property of the New Jersey Schools Development Authority, N.J.A.C. 19:35

Management of the New Jersey Schools Development Authority (“Authority” or “SDA”) seeks to advise the Board of certain minor modifications made to the proposed new Rules for Disposition of Surplus Real and Personal Property of The New Jersey Schools Development Authority, N.J.A.C. 19:35, in response to comments made by the Office of Administrative Law, Rules Division (OAL).

By way of background, on June 2, 2021, the Board approved the Notice of Proposal for the new Rules for Disposition of Surplus Real and Personal Property for advancement and publication in the New Jersey Register. The Rules establish requirements and procedures for the disposition of real property and personal property owned by the SDA if such property is deemed surplus as no longer needed for school facility projects or SDA operations.

Upon expiration of the gubernatorial veto period following the Board’s June 2 approval, the Notice of Proposal and proposed New Rules were forwarded to OAL for processing and publication. As part of the OAL pre-publication review, OAL sought clarification of a few provisions of the proposed rules regarding standards for the SDA’s exercise of discretion to make determinations under the proposed Rules. OAL required a response before proceeding with publication of the rules.

SDA Management has responded to OAL’s comments with certain minor modifications of the language of the proposed Rules. The modifications are based on reference to analogous Offer to Purchase process regulations contained in the Fort Monmouth Economic Revitalization Authority Rules (see N.J.A.C. 19:31C-2.15 and -2.16) or are premised on consultations with SDA staff regarding existing procedures. Note that one modification was prompted by discussions with

SDA's Risk Management Unit, which requested that a reference to insurance coverage for "personal injury" be changed to "bodily injury" to better reflect correct insurance parlance.

The modifications have been approved by the SDA Executive Team, as well as the Governor's Office, Rules Division, and the Governor's Authorities Unit. The modifications, which include additions and deletions of text, are shown below as highlighted text, with deletions from the previous draft shown in red.

Pre- Publication Modifications to Disposition of Surplus Property Rules

1. N.J.A.C. 19:35-5.10(b) (regarding selection of one or more offerors to engage in negotiations)

OAL Comment: How will SDA exercise its discretion under this section?

SDA modification:

19:35-5.10 Offer to purchase process for surplus real property: negotiation with offeror(s)

* * *

(b) SDA staff shall have the right to engage in exclusive negotiations with one offeror, or to negotiate with all offerors, or to negotiate with some, but not all, offerors responding to the solicitation for offers to purchase. **SDA's selection of one or more firms to engage in negotiations shall be based on an evaluation of the offers submitted, price and Other Factors considered.**

2. N.J.A.C. 19:35-5.11(c)(5) (regarding deposit requirement for exclusive negotiations)

OAL Comment: How is the amount of the additional deposit determined?

SDA modification:

19:35-5.11 Offer to purchase process for surplus real property: exclusive negotiating period within the offer to purchase process

(c) The right of SDA to enter into an Exclusive Negotiation Agreement is subject to the following conditions:

1. The time for submitting offers to purchase has expired;
 2. Notice of such election to enter into an exclusive negotiation period with an offeror must be given to all parties submitting an offer;
 3. The SDA has made a determination that there is a reasonable likelihood that the exclusive negotiating period will lead to an offer to purchase that will be acceptable to the SDA and in the best interests of the school construction program;
 4. Subject to extensions as indicated in subsection (d) below, a duration is set for the exclusive negotiating period that shall not exceed 30 days;
 5. The offeror shall make an additional **non-refundable** deposit ~~in an amount determined by the SDA~~ **of 10 percent of the purchase price; and**
 6. The offeror agrees in writing to negotiate exclusively with the SDA during the exclusive negotiating period and to terminate negotiations and discussions with other parties that seek to sell or lease competing property.
3. N.J.A.C. 19:35-6.1(c)(5) (regarding insurance coverage required for temporary use agreements of SDA property) and
N.J.A.C. 19:35-6.1(c)(7) (regarding security deposit required for temporary use agreements of SDA property)
- OAL Comment: How is the amount of the security deposit determined?
 - OAL Comment: How are the levels of insurance coverage determined?

SDA modification:

19:35- 6.1 Temporary Use and/or Occupancy of SDA Owned Real Property

* * *

(c) If the use agreement is with a non-public and/or private party, and is for a use that is not a public purpose or a charitable purpose, as defined in N.J.A.C. 19:35-1.2, in addition to the general condition requirements of N.J.A.C. 19:35-6.1(a), the agreement shall, at a minimum:

1. Require that the proposed use or occupancy of SDA-owned property must be cleared and approved by SDA's bond counsel, engaged to provide legal advice to SDA regarding the bonds authorized under Section 25 of P.L. 2007, c. 137 (N.J.S.A. 18A:7G-14) to fund the activities of the SDA, and the tax treatment of the interest on such bonds, to ensure that the proposed use or occupancy will not have an adverse effect upon the tax-exempt status of the bonds, as detailed in N.J.A.C. 19:35-1.1, with the exception of a post-closing lease or use and occupancy agreement to a seller or a seller's tenants in connection with an acquisition of real property by the SDA, which shall not require prior bond counsel approval if the lease or use and occupancy term is for less than six months.
2. Require payment of consideration in an amount that is not less than the fair market rental value of such use, as determined by the SDA pursuant to an independent appraisal or in-house valuation based upon relevant information, as appropriate;
3. Prohibit the user from assigning its rights to such use or subletting or otherwise allowing another person or entity to use and/or occupy the subject real property without the express written consent of the SDA;

4. Require any such user to pay all costs associated with its use and/or occupancy of the real property, including but not limited to, the costs of operating and maintaining the same, payment of any taxes (real estate and otherwise) relating to the same, the cost of providing security services to such real property, and all amounts payable with respect to utilities and services furnished to such real property;
5. Require such user to provide insurance coverage^s during the term of its use of the real property **of a minimum of one million dollars in liability insurance, with the required amount determined by SDA based upon the intended use and/or occupancy of the property, unless the user is a non-profit or public entity that can demonstrate non-insurance resources sufficient to finance the indemnity obligations in subsection (6) below; and property insurance for improved property in an amount equivalent to the replacement value of the improved property** ~~in amounts to be determined by SDA;~~
6. Require such user to indemnify, defend and hold the SDA harmless against any **bodily** ~~personal~~-injury, losses and/or damages that result, either directly or indirectly, from such use and/or occupancy; and
7. Require such user to maintain a security deposit with SDA in amounts determined ~~by SDA~~ **founded on the value of the property; the nature and duration of the intended use and risk of damage to the property as a result of such use; the cost of property maintenance for the property; or a combination of these factors.**

This Memorandum is intended to inform the Board of the minor modifications which will appear in the published version of the proposed Rules. No Board action is required.

/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

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: September 1, 2021

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 8/18/21

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. (Patoek)	12/8/11 7/11/12
Jersey City	Patricia M. Noonan ES (ES 3)	PK-5	778	848	\$54.0	Kit of Parts/ Design-Build	School occupied Sep. 2017. (Dobco, Inc.)	6/25/12 2/25/13
Jersey City	Dr. Maya Angelou PS #20	K-5	628	698	\$49.3	Existing Design	School occupied Sep. 2016. (Dobco, Inc.)	4/17/12 3/6/13
Long Branch	Catrambone ES	PK-5	794	867	\$40.0	Existing Design	School occupied Sep. 2014. (Terminal Construction)	12/20/11
New Brunswick	Redshaw ES	PK-5	906	990	\$51.2	Kit of Parts/ Design-Build	School occupied Jan. 2015. (Hall Construction)	5/29/12
Newark	Oliver St. ES	PK-8	848	932	\$73.6	Kit of Parts/ Design-Build	School occupied May 2016. (Epic Management)	6/27/12 11/29/12
Paterson	Dr. Hani Awadallah ES (Marshall St. ES)	K-8	650	722	\$55.2	Existing Design	School occupied Sep. 2016. (Dobco, Inc.)	6/13/12 2/12/13
Paterson	PS 16	PK-8	641	705	\$62.4	Kit of Parts/ Design-Build	School occupied Sep. 2016. (Hall Construction)	3/27/12 8/28/13
West New York	Harry L. Bain PS 6	PK-6	736	814	\$16.8	Design-Bid-Build	School occupied Sep. 2017. (Paul Otto)	2/27/12 12/29/15

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

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

2011 & 2012 Portfolio Projects Activities Summary

as of 8/18/21

2012 Portfolio Projects - sorted by District

1

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

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

2011 & 2012 Portfolio Projects Activities Summary

as of 8/18/21

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

1								
District	Project	Grade Alignment	FES Capacity	Max. Capacity	Total Estimated Cost (millions)	Design Status	Advancement Status	Projected Construction Advertisement Date*
East Orange	Sheila Y. Oliver Academy (GW Carver ES)	PK-5	470	512	\$41.2	Kit of Parts/ Design-Build	School delivered Sep. 2020 (Dobco)	4/26/16 1/20/17
Elizabeth	New ES @ Halloran PS #22 ES Site	2-8	860	956	\$55.3	Kit of Parts/ Design-Build	School occupied Sep. 2017. (Torcon)	6/9/14
Garfield	James Madison ES	K-5	275	305	\$29.7	Existing Design	School occupied Sep. 2018. (Brockwell & Carrington)	2/19/14 6/30/15
Harrison	New ES	PK - 1	392	432	\$36.1	Kit of Parts/ Design-Build	School delivered Nov. 2020 (Dobco)	11/10/15 7/13/16
Irvington	Madison Avenue ES	PK-5	463	504	\$38.6	Kit of Parts/ Design-Build	School occupied Sep. 2019. (Bock)	11/19/15 8/16/16
Millville	Senior HS Addition/Renovation	HS	2,026	2,384	\$137.5	Design-Build	Award for D-B approved Apr. 2017 Board. (Hall Construction)	9/30/16
Passaic	Sonia Sotomayor ES (New ES @ Leonard Place)	K-5	628	698	\$55.9	Kit of Parts/ Design-Build	School occupied Sep. 2019. (Dobco, Inc.)	8/13/15
Paterson	New MS @ Union Ave.	6-8	996	1107	\$113.9	Design-Build	Award for D-B approved Sep. 2018 Board. (Epic Management)	3/2/17 4/26/18
Pemberton	Denbo-Crichton ES	PK-5	846	930	\$58.7	Design-Build	School delivered Sep. 2020. (Bock)	3/1/17 9/13/17
Perth Amboy	High School	HS	2,800	3,295	\$283.8	Design-Build	Award for D-B approved Nov. 2019 Board. (Terminal)	3/26/19
Perth Amboy	Rose M. Lopez ES (Seaman Avenue ES)	K-5	724	804	\$56.4	Kit of Parts/ Design-Build	School occupied Sep. 2019. (Epic Management).	2/3/16
Plainfield	New Woodland ES	K-5	756	840	\$59.4	Kit of Parts/ Design-Build	Award for D-B approved Feb. 2020 Board. (Epic Management)	5/23/18 8/29/19
Union City	New Grade 7 to 9 School	7-9	756	840	\$75.5	Kit of Parts/ Design-Build	Revised Preliminary Charter approved Dec. 2019 Board. ESP Advertised 5/19/21.	5/19/21 TBD
Vineland	Lincoln Ave. MS (New MS)	6-8	562	624	\$49.8	Kit of Parts/ Design-Build	School occupied Sep. 2018. (Bock).	9/24/15

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

2011 & 2012 Portfolio Projects Activities Summary

as of 8/18/21

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 8/1/2021

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	Under Review	Sep-21	Under Review	\$ 34,978,332
3	City of Orange	Orange High School	Addition/Renovation	Construction	2Q 2022	On-target	Phased	On-target	\$ 51,931,218
4	Keansburg	Port Monmouth Road School	Addition/Renovation	Construction	2Q 2022	On-target	Sep-22	On-target	\$ 28,440,130
5	Millville	Millville Senior High School	Addition/Renovation	Construction	3Q 2022	On-target	Phased	On-target	\$ 137,503,832
6	Passaic City	New Dayton Avenue Educational Campus	New Construction	Construction	2Q 2022	On-target	Sep-22	On-target	\$ 240,923,270
7	Paterson	New Union Ave MS	New Construction	Construction	3Q 2021	On-target	Sep-21	On-target	\$ 113,902,274
8	Perth Amboy	New High School	New Construction	Construction	2Q 2024	On-target	Sep-24	On-target	\$ 283,830,000
9	Plainfield	New Woodland ES	New Construction	Construction	3Q 2022	On-target	Sep-22	On-target	\$ 59,440,000

Active Project Status Report Status as of 8/1/2021

Emergent Projects - With Contract for Construction Awarded

#	District	Project Name	Project Scope	Project Phase	Substantial Completion	Status Substantial Completion	Final Completion	Status of Final Completion	Total Estimated Project Cost
1	Bridgeton	Bridgeton Senior HS	Roof Replacement & Masonry Repairs	Construction	3Q 2021	On Target	4Q 2021	On-Target	\$ 9,842,000
2	Newark	Ivy Hill School	Boiler Room Vault Repairs	Construction	4Q 2021	On Target	1Q 2022	On-Target	\$ 1,758,900
3	Newark	Roberto Clemente School	Sub-Basement Water Infiltration	Construction	4Q 2021	On Target	1Q 2022	On-Target	\$ 1,456,800
4	Newark	Techonology High School	Structural Vault Repairs and Façade Repairs	GCTO w/ Design Design Phase	2Q 2022	On Target	2Q 2022	On-Target	\$ 2,867,680
5	Paterson	PS #5	Roof Replacement & Masonry Repairs	Construction	1Q 2022	On Target	1Q 2022	On-Target	\$ 10,968,112

PROJECT CLOSEOUT STATUS REPORT



To: Members of the Authority

From: /s/ Lori Gilmore, Records Manager, Central Records Department

Date: September 1, 2021

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 June 1, 2021

Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Bridgeton					
2016	0540-050-13-0ACN	Buckshutem Road Elementary School			
2017	0540-100-13-0ACO	Quarter Mile Lane Elementary School			
Burlington City					
2007	0600-020-01-0957	New High School	Project Transferred	12/29/11	Open contract(s)
Camden					
2009	0680-350-01-0938	HB Wilson Elementary School	Project Transferred	04/14/10	Open contract(s)
East Orange					
2020	1210-060-02-0296	Sheila Y. Oliver Academy (aka GW Carver ES)			
Egg Harbor City					
2010	1300-X01-04-0ADY	New Middle School	Project Transferred	01/01/12	Open contract(s)
Egg Harbor Township					
2011	1310-005-04-0AEB	Egg Harbor Township High School			
Elizabeth					
2017	1320-N20-13-0AEG	Halloran Elementary School	Project Transferred	06/12/18	Open contract(s)
2016	1320-X07-01-0867	Frank J. Cicarell Academy (New Academic HS)	Project Transferred	07/18/19	Open contract(s)
2013	1320-240-03-0339	Victor Mravlag Elementary School # 21	Project Transferred	08/27/19	Open contract(s) - Legal matter pending
Garfield					
2018	1700-205-03-0315	James Madison Elementary School #10			
Gloucester City					
Legacy	1770-160-01-0245	Cold Springs Elementary School	Project Transferred	06/05/09	Open contract(s)
2017	1770-N01-03-0188	Gloucester City Middle School	Project Transferred	04/17/18	Open contract(s)
Harrison					
2020	2060-N03-15-0AEJ	Kennedy Elementary School (New Harrison ES)			
Irvington					
2019	2330-120-03-0755	Madison Avenue Elementary School			
Jersey City					
Legacy	2390-N01-99-0227	New Elementary School #3 (Frank R. Conwell ES #3)	Project Transferred	12/19/15	Open contract(s) - Legal matter pending
Legacy	2390-N02-99-0228	Jersey City Middle School # 4 (Frank R. Conwell MS #4)	Project Transferred	12/19/15	Open contract(s) - Legal matter pending
2016	2390-190-01-0581	New Public School #20	Project Transferred	08/11/17	Open contract(s)
2017	2390-X03-01-0587	Patricia M. Noonan ES (New PS #3)	Project Transferred	12/14/17	Open contract(s)
2007	2390-N03-99-0147	Heights Middle School #7			
Keansburg					
2016	2400-E01-02-0116	New Caruso Elementary School	Project Transferred	08/13/18	Open contract(s)

PROJECT STATUS REPORT - As of June 1, 2021

Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Millville					
2020	3230-050-13-0AEF	Millville High School			
Newark					
Legacy	3570-X01-01-0617	Science Park	Project Transferred	05/03/13	Open contract(s)
2010	3570-X07-01-0693	Speedway Elementary School	Project Transferred	10/21/15	Open contract(s)
2016	3570-590-02-0315	Oliver Street Elementary School	Project Transferred	05/18/17	Open contract(s)
2018	3570-640-02-0311	South Street ES			
Passaic					
2015	3970-X01-01-X760	New Henry Street Elementary School			
2019	3970-N11-07-0DAY	Leonard Place Elementary School			
Paterson					
2008	4010 -S01-02-0101	International High School			
Pemberton					
2011	4050-E01-02-0082	Pemberton Early Childhood Education Center	Project Transferred	02/01/13	Open contract(s)
2020	4050-130-15-0AEL	Denbo-Crichton Elementary School			
Perth Amboy					
2019	4090-N01-98-0325	Seaman Avenue Elementary School			
Phillipsburg					
2016	4100-X01-99-0464	New High School	Project Transferred	06/07/18	Open contract(s)
Trenton					
2019	5210-050-13-0AEH	Trenton Central High School			
Vineland					
2018	5390-N02-02-0245	Lincoln Avenue Middle School			
West New York					
2009	5670-065-01-0559	Elementary School #2	Project Transferred	05/14/13	Open contract(s)
Capital and Demonstration Projects Totals					
Total Capital and Demonstration Projects			159		
Closed Capital and Demonstration Projects			122		
Capital and Demonstration Projects Not Closed			37		
Capital and Demonstration Projects Not Closed, Project Transferred			20		
Legal Matter			3		
Miscellaneous			17		

PROJECT STATUS REPORT - As of June 1, 2021

Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Emergent Projects					
Bridgeton					
	0540-020-17-0AEU	Bridgeton Senior HS Roof and Masonry Repairs			
Camden					
	0680-170-12-0ACF	Cramer Elementary School			
Irvington					
	3570-330-12-0ABT	Chancellor Ave Annex - Building Envelope			
Newark					
	3570-301-17-0AES	Marin - HVAC			
	3570-415-17-0AER	Dr. E. Alma Flagg E.S. - Doors and Roofing			
	3570-460-17-0AEZ	Hawkins ES - Chimney Repairs			
	3570-480-17-0AET	Lafayette - Doors and Roofing			
	3570-750-17-0BBC	Wilson School Annex - Chimney			
	3570-615-17-0BBB	Roberto Clemente E.S. – Boiler Room Vault Repairs			
	3570-565-17-0BBA	Ivy Hill E.S. – Boiler Room Vault Repairs			
Plainfield					
	4160-050-17-0BBD	Plainfield High School			
Vineland					
	5390-050-12-0ACK	Vineland High School South			
Emergent Project Totals					
Total Emergent Projects			83		
Emergent Projects Closed			71		
Emergent Projects Not Closed			12		
Emergent Projects Not Closed but Transferred			0		
Health and Safety Contract Totals					
Total Contracts			399		
# of Contracts Closed			394		
# of Open Contracts			5		
Open Design Contracts					
Total Contracts			109		
# of Contracts Closed			98		
# of Open Contracts			11		

PROJECT STATUS REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director – Program Operations

DATE: September 1, 2021

SUBJECT: Executive Summary – Monthly Project Status Reports

MONTHLY PROJECT STATUS REPORT

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

No activity during the reporting period

Projects Greater than 90 Days Behind Schedule:

No activity during the reporting period

Revisions to Project Charters:

No activity during the reporting period

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

Reporting Period: January 2008 to July 2021

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

Millville	Millville Senior HS - Addition & Renovation	\$5,000,000	\$5,000,000	\$0	100.0%	75%	Board approved additional building condition repair work and flood hazard area mitigation work added to the project.	Project is in construction and scheduled for completion per the original schedule. Revised Final Project Charter approved by the CEO in June 2021 to allocate additional contingency to the project from the Unforeseen Events Reserve.
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Substantially Complete & Building Occupied

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

Newark	Speedway Avenue E.S.	\$1,826,000	\$1,754,119	\$71,881	96.1%	99%	1. Removal of unforeseen impacted materials	Project complete and building occupied. Project close-out pending resolution of open contracts.
West New York	West New York P.S. #2	\$2,708,883	\$2,708,883	\$0	100.0%	99%	1. Unforeseen site foundation issues	Project complete and building occupied. Project close-out pending resolution of open contracts.

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

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

Reporting Period: July 2021

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

Revisions to Project Charters

Reporting Period: July 2021

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

CONTRACTS EXECUTED REPORT/AMENDMENTS & CHANGE ORDERS REPORT

**MEMORANDUM**

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director, Program Operations

DATE: September 1, 2021

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 July 1 through July 31, 2021.

Noteworthy Items during the reporting period:

- Execution of 3 General Construction Task Order contracts for:
 - Newark Technology High School emergent vault structural repair and façade repair project - Hall Building Corp. for \$1,999,336.
 - Irvington Augusta Preschool flooring remediation project - Catcord Construction Co. for \$303,781.
 - Neptune Senior High School flooring remediation project - Hall Building Corp. for \$495,158.

Amendments & Change Orders Report

This report contains the activity of Amendments and Change Orders executed during the period July 1 through July 31, 2021.

Noteworthy Items during the reporting period:

- 1 Professional Services Amendment was executed during the reporting period totaling \$30k that did not require Board Approval.
- 9 Construction Services Change Orders were executed during the reporting period totaling \$1.9M, of the 9 executed change orders 1 required Board Approval totaling \$2.1M.

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: 7/1/2021 through: 7/31/2021

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										
Irvington Township	Augusta Street Preschool	RenoAdd	Construction	ES-0022-C05	Catcord Construction Co., Inc.		\$303,781	7/19/2021	-	
Neptune Township	Neptune Senior H.S.	RenoAdd	Construction	ET-0015-C06	Hall Building Corporation	S	\$495,158	7/26/2021	-	
Newark	Technology H.S.	Reno	Construction	EP-0112-C03	Hall Building Corporation	S	\$1,999,336	7/20/2021	\$1,792,822	\$1,792,822
Contractor										
Part 2. Construction Services							\$2,798,276			\$1,792,822

Contracts Executed Report

Reporting Period: 7/1/2021 through: 7/31/2021

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										
Camden City	Camden H.S.	New	FFE	CA-0022-Q28	Wenger Corporation		\$16,489	07/16/2021	-	
City Of Orange Township	Orange H.S.	RenoAdd	FFE	ES-0042-F03	MSC Industrial Supply		\$39,225	07/20/2021	-	
Passaic City	Dayton Ave. Educational Campus	New	FFE	NT-0052-K07	Washington Computer Services		\$1,324,213	07/22/2021	-	
Paterson	Union Avenue Middle School E.S.	New	FFE	PA-0011-K35	Washington Computer Services		\$14,448	07/09/2021	-	
Others										
Part 4. Other Contracts & Services										
							\$1,394,375			Total Contracts Awarded
Grand Totals - Professional and Construction Services Combined							\$4,192,651			7

** 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: 7/1/2021 through: 7/31/2021

District	School Name(s)	Contract Number	Contract Execution Date	CO #	Vendor Name	CO Execution Date	Contract Award Amount	Prior CO's (cumulative)	Current CO Amount	Board Approval Required	Board Approval Date	Revised Contract Amount	Cumulative CO %
Professional Services													
Design Consultant													
City Of Orange Township	Cleveland Street E.S.	ES-0043-A01	9/3/2015	16	Lan Associates, Engineering, Planning, A	7/26/2021	\$1,820,017	\$344,069	\$30,000			\$2,194,086	20.55%
Design Consultant													
Professional Services													
									\$30,000				
Construction Services													
Contractor													
Camden City	Camden H.S.	CA-0022-B01	9/26/2018	18	Ernest Bock & Sons, Inc.	7/13/2021	\$99,585,000	\$1,354,131	\$74,900			\$101,014,031	1.43%
Harrison	Harrison Kennedy E.S.	HU-0027-B01	12/15/2016	16	Brockwell & Carrington Contractors, Inc.	7/19/2021	\$25,899,600	\$440,222	(\$321,988)			\$26,017,834	0.45%
Millville	High School	ST-0046-B01	5/24/2017	8	Hall Construction Co., Inc.	7/26/2021	\$114,453,000	\$4,961,688	\$2,070,290	Y	5/6/2020	\$121,484,978	6.14%
Millville	High School	ST-0046-B01	5/24/2017	34	Hall Construction Co., Inc.	7/29/2021	\$114,453,000	\$7,031,978	\$31,377			\$121,516,355	6.17%
Pemberton Township	Denbo Crichton E.S.	WT-0023-B01	2/14/2018	33	Ernest Bock & Sons, Inc.	7/14/2021	\$43,185,000	(\$582,671)	\$47,482			\$42,649,811	-1.23%
Perth Amboy	New Perth Amboy High School	ET-0099-B01	1/6/2020	3	Terminal Construction Corp.	7/19/2021	\$247,950,000	(\$362,259)	(\$4,407)			\$247,583,334	-0.14%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	11	Terminal Construction Corp.	7/16/2021	\$37,000,000	\$2,265,362	\$12,447			\$39,277,809	6.15%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	42	Terminal Construction Corp.	7/16/2021	\$37,000,000	\$2,277,809	\$13,308			\$39,291,117	6.19%
City Of Orange Township	Orange H.S.	ES-0042-C01	4/29/2019	44	Terminal Construction Corp.	7/22/2021	\$37,000,000	\$2,291,117	\$10,736			\$39,301,853	6.22%
Contractor													
Construction Services													
									\$1,934,144				

Grand Totals	Total Change Order Summary	Total Change Orders
	\$1,964,144	10

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

DIVERSITY AND WORKFORCE PARTICIPATION REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Karon L. Simmonds, Director, Risk Management

DATE: September 1, 2021

SUBJECT: Diversity and Workforce Participation Monthly Update for June 2021

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 June 30, 2021 was \$287,489,300. The total contract dollars awarded to all SBE contractors was \$16,214,950 (including minorities, women and veterans). This represents an initial participation of 5.64% of all SDA contracts awarded in 2021. Participation will continue to increase as the Prime contractor continues to hire additional subcontractors/subconsultants through the lifecycle of the construction project.

Diversity Breakdown

Type of Business Enterprise	Contract Amount	% of Total SDA Contracts
Small Business Enterprises	\$ 14,927,700	5.19%
Small/ Minority Business Enterprises	\$ 311,250	0.11%
Small/Women Business Enterprises	\$ 976,000	0.34%
Small/Veteran Owned Business Enterprises	\$ -0-	0.00%
Small/Minority/Women Business Enterprises	\$ -0-	0.00%
TOTAL DIVERSITY CONTRACTS	\$ 16,214,950	5.64%

WORKFORCE PARTICIPATION

For the month of June 2021, there was a contractor workforce of 1,021 on SDA projects. This represents a total of 73,044 contractor workforce hours as follows:

Contractor Workforce Breakdown (All Trades/Districts/Counties)			
Ethnicity	Total Workforce	Total Workforce Hours	Workforce Hours Percentage
Black	55	3,866	5.29%
Hispanic	182	12,830	17.57%
American Indian	6	145	0.20%
Asian	1	132	0.81%
Total Minority Participation	244	16,973	23.24%
Total Non-Minority Participation	777	56,071	76.76%
Total Contractor Workforce	1,021	73,044	100.00%

There was a contractor workforce of 444,119 total workforce hours and 8,872 total female workforce hours on SDA projects for the period of January 1, 2021 through June 30, 2021. The following table highlights the *Local County Contractor Workforce* participation for this period:

Local County Contractor Workforce Participation	Workforce Hours	Percentage
*Total Workforce Hours	444,119	100.00%
*Total Local County Workforce Hours	15,735	3.54%
Total Local County Non-Minority Workforce Hours	7,270	1.64%
Total Local County Female Workforce Hours	0	0.00%
Total Local County Minority Workforce Hours	8,465	1.91%
**Local County Workforce Hours by Ethnicity:		
Black	3,964	0.89%
Hispanic	4,453	1.00%
American Indian	0	0.00%
Asian	48	0.01 %

*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.

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, 2021 through June 30, 2021.

SDA Managed Project	Total Workforce Hours	Minority Workforce Hours & Percentage		Local County Workforce Hours & Percentage	
Camden HS	101,860	16,731	16.43%	5,763	5.66%
Harrison ES	44	0	0.00%	0	0.00%
Port Monmouth Road School	7,335	2,533	34.53%	214	2.92%
Millville HS	42,528	8,338	19.61%	1,560	3.67%
Dayton Ave Campus	101,301	31,417	31.01%	2,594	2.56%
Union Ave MS	108,706	33,173	30.52%	1,341	1.23%
Cleveland ES	14,697	6,584	44.80%	0	0.00%
Orange HS	31,266	10,070	32.21%	896	2.87%
Perth Amboy HS	20,224	4,347	21.49%	1,111	5.49%
Plainfield ES	6,275	1,306	20.81%	1,241	19.78%
Emergent Projects	9,883	1,461	14.78%	871	8.81%

Prepared by: Charlotte Brooks
Zaida Olszak

REGULAR OPERATING DISTRICTS (RODs) ACTIVITY REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director, Program Operations

DATE: September 1, 2021

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 months of July 2021. Also included is a detailed list of grants executed and grants offered during the reporting period.

Monthly Update:

- No grants were offered during the reporting period.
- No grants were executed during the reporting period.
- 2 grants impacting 2 districts were closed out during the reporting period representing \$1.3 million in total project costs and state share of \$0.5 million.
- Since inception, over \$2.9B has been disbursed to 524 regular operating districts through the grant program.
- Since inception over \$3.3B in funding has been approved by the Department of Education and offered to regular operating districts through the grant program.



SCHOOLS DEVELOPMENT AUTHORITY

Monthly Regular Operating District Grant Report - Summary

July 2021

ROD Grant Summary Since Program Inception				
	Offered ¹	Executed	Closed-Out	Active
Districts Impacted	-	524	518	62
Number of Grant Projects	-	5,404	5,166	238
Total Project Cost Estimate	\$ -	\$ 8,944,285,005	\$ 8,706,957,163	\$ 237,327,841
Grant Amount	\$ -	\$ 3,003,438,262	\$ 2,883,045,957	\$ 120,392,306
Amount Disbursed	N/A	\$ 2,942,678,983	\$ 2,883,045,957	\$ 59,633,027

Total Funding Offered to School Districts via Grant Program	\$ 3,342,209,450
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Total ROD Grant Funding remaining for new Grant Projects	\$ 80,749,956
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1. Includes grants that have been offered to District's but have not yet been executed.

Monthly Activity ROD Grant Summary		
	Executed	Closed-Out
Districts Impacted	-	2
Number of Grant Projects	-	2
Total Project Cost Estimate	\$ -	\$ 1,307,454
Grant Amount	\$ -	\$ 511,658
Amount Disbursed	NA	\$ 511,658

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

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

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

COMMUNICATIONS MONTHLY REPORT *(no report)*

MONTHLY FINANCIAL REPORT

**MEMORANDUM**

TO: Members of the Authority

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

DATE: September 1, 2021

SUBJECT: Monthly Financial Report – July 2021

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

For July 2021 year to date, Authority operating expenses, **\$9.2M**, are **\$1.5M** lower than budget for the corresponding period. This variance is primarily related to lower year to date personnel costs, **\$1.3M**, resulting primarily from the Authority having 13 fewer FTEs than budgeted, partially offset by a lower than projected payroll allocation to project expenditures, **\$853K**. The budget variance is also attributable to lower spending for facilities and general office related expenses, **\$395K**, information systems, **\$308K**, professional & other contracted services, **\$298K**, and SDA-owned automobiles, **\$76K**.

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

For July 2021 year to date, Authority operating expenses, **\$9.2M** are **\$393K** higher when compared to the corresponding prior year. This increase is mainly due to lower payroll expense allocation to project expenditures, **\$680K**.

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

For July 2021 year to date, project expenditures, **\$137.3M**, are **\$52.3M** lower than the capital spending forecast for the corresponding period. This variance is due to lower than forecasted grant activity **\$19.5M**, construction activity **\$19.2M**, furniture and fixture purchases **\$8.8M**, design services **\$1.9M**, payroll expense allocation to project expenditures **\$853K**, property acquisition **\$681K**, and project insurance **\$590K**.

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

For July 2021 year to date, project expenditures, **\$137.3M**, are lower by **\$28.6M** when compared to the corresponding prior year. This variance is attributable mainly to decreases in grant activity **\$15.4M**, construction activity **\$5.4M**, furniture and fixture purchases **\$3.0M**, project insurance **\$2.1M**, and design services **\$1.9M**.

Other

Since program inception, 90.4% of the funds authorized for the SDA Districts have been disbursed. Additionally, since program inception, 96% of all SDA disbursements relate to school facility projects and 4% relate to operating expense.

Members of the Authority

September 1, 2021

Page 2

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

Attachment

New Jersey Schools Development Authority
Monthly Financial Report
July 2021
(Unaudited)

New Jersey Schools Development Authority

Overview of Financial Position

July 31, 2021

To: The Audit Committee

From: Sherman E. Cole, Controller

The information contained in this monthly financial report is for the period as of, and for the year-to-date ending, July 31, 2021.

► Overall **Cash and Cash Equivalents** have increased by \$203.7 million to \$472.3 million, as follows:

■ Receipt of bond and note proceeds (Issued by EDA)	\$ 350,000,000
■ Investment earnings	123,353
■ Miscellaneous revenue	8,831
■ Project costs	(137,260,663)
■ SDA operating expenses	(9,636,282)
■ SDA capital expenditures	(68,104)
■ Deposits (primarily district local shares)	501,544
Net Change in Cash	\$ 203,668,679

► **Prepaid Expenses** total \$252,655 as follows:

- Prepaid insurance of \$202,728.
- Prepaid rents of \$12,391 for the Authority's leased office space in Newark.
- Prepaid MIS maintenance service contracts of \$36,129.
- Other prepaids of \$1,407.

► **Capital Assets** total \$1,236,821 (net of accumulated depreciation of \$5,917,091), consisting of leasehold improvements (SDA offices), and capitalized software, equipment, furniture and fixtures in support of SDA operations. Depreciation on capital assets is generally calculated using the straight-line method over the life of each asset. For the year to date, **Capital Expenditures** are \$56,620 and **Depreciation Expense** is \$317,512.

► **Accrued Liabilities** total \$110.1 million, as follows:

- Accrued project costs of \$35.9 million consisting of unpaid invoices (\$9.4 million) and retainage (\$26.5 million).
- Net pension liability of \$42.4 million.
- Other post-employment benefits obligation of \$27.8 million.
- Pollution remediation obligations (PRO) under GASB 49 net to \$1.6 million (PRO liability \$3.1 million, offset by expected cost recoveries of \$1.5 million).
- Estimated liability for loss contingencies totaling \$0.2 million.
- Payroll related liabilities of \$2.0 million.
- Other accrued liabilities of \$0.2 million.

► **Deposits** total \$5.6 million, as follows:

- \$5.6 million is held for local share agreements (pass-through item).

► The Authority's **Net Position** at month end is \$343.1 million.

New Jersey Schools Development Authority

School Facilities Project Expenditures & Funding Allocation

July 31, 2021

► **School Facilities Construction Bond / Note Proceeds & Project Expenditures**

- During the current year to date, the SDA has received \$350.0 million bond and note proceeds. The total amount of proceeds received since program inception is \$11.848 billion.
- Project expenditures for the month and year-to-date periods total \$24.4 million and \$137.3 million, respectively, as follows:

<u>Category</u>	<u>Current Month</u>	<u>Current Year-To-Date</u>	<u>Since Program Inception</u>
Construction	\$ 21,531,458	\$ 116,196,466	\$ 5,408,573,885
Design Services	(1,208,644)	(711,488)	412,216,612
PMF/CM Services	574,369	3,744,928	472,266,990
SDA Project Management	732,006	6,715,688	117,340,986
Property Acquisition, Relocation & Enviro	183,011	1,137,469	584,903,692
School Furniture, Fixtures & Equipment	794,797	2,018,111	201,027,127
Project Insurance	1,393,193	1,255,040	113,911,946
NJ State Inter-Agency Transfers	-	382,984	52,505,486
SDA District Grant & Funding Agreements	-	192,972	878,964,735
Regular Operating District Grant Agreements	296,519	5,851,388	2,951,611,534
Real-Time Project Audits	17,464	117,813	745,813
Property Management, Maintenance & Utils	3,556	134,019	18,678,458
Outside Legal & Claims Resolution Services	4,290	106,656	11,455,577
Temporary Staffing	-	38,926	10,668,940
Other Project Costs	47,848	79,691	62,170,269
Project Credits	-	-	(54,902,944)
Total Project Expenditures	24,369,867	137,260,663	11,242,139,106
Less: Local Share Contributions	-	-	(185,112,439)
Project Expenditures (State Share)	\$ 24,369,867	\$ 137,260,663	\$ 11,057,026,667
2021 Capital Spending Forecast	\$ 28,594,315	\$ 189,605,794	

Allocations Since Program Inception

► **Program Funding & Expenditures**

	<u>Bonding Caps</u> ¹	<u>Total Funding</u> ²	<u>Paid to Date</u> ³
■ SDA Districts	\$ 8,900,000,000	\$ 9,026,981,101	\$ 8,160,146,653
■ Regular Operating Districts	3,450,000,000	3,500,258,009	3,277,382,688
■ Vocational Schools	150,000,000	152,008,459	122,707,475
Total - State Share	\$ 12,500,000,000	\$ 12,679,247,569	\$ 11,560,236,816

► **Percentage of Total Funding Paid to Date**

■ SDA Districts	90.4%
■ Regular Operating Districts	93.6%
■ Vocational Schools	80.7%
Total - State Share	91.2%

1 Of the \$12.5 billion authorized for the school construction program, \$11,847,702,648 principal amount of bond and note proceeds have been received to date.

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

3 These amounts include the allocation of SDA operating expenses and capital expenditures totaling \$503,210,149.

New Jersey Schools Development Authority
Fund Reporting Operating Expenses vs Budget
July 31, 2021

<u>Category</u>	<u>Actual</u>	<u>Budget</u>	<u>Over/</u>
	<u>Year-To-Date</u>	<u>Year-To-Date</u>	<u>(Under)</u>
Personnel Expenses:			
Employee Salaries	\$ 8,609,669	\$ 9,465,120	\$ (855,451)
Employee Benefits	5,034,544	5,310,443	(275,899)
Direct Hire Temporary Employee Costs	-	28,259	(28,259)
Total Employee Salaries & Benefits Costs	13,644,213	14,803,822	(1,159,609)
Less: Employee Salaries & Benefits Costs			
Charged to Projects	6,715,688	7,568,879	(853,191)
Salaries & Benefits Charged to Operating Expense	6,928,525	7,234,943	(306,418)
Temporary Staffing Services	-	87,500	(87,500)
Travel & Expense Reimbursements	11,005	14,385	(3,380)
Training & Professional Development	12,828	54,915	(42,087)
Total Personnel Expenses	6,952,358	7,391,743	(439,385)
Non-Personnel Operating Expenses:			
Facilities & General Office Expenses	1,174,573	1,569,316	(394,743)
Information Systems	587,993	895,905	(307,912)
Professional & Other Contracted Services	249,266	547,244	(297,978)
Property & Casualty Insurance	235,578	236,999	(1,421)
SDA-Owned Automobiles	32,477	108,331	(75,854)
Communications & Outreach	64	1,750	(1,686)
Reserve for Unforeseen Events & New Initiatives	-	29,169	(29,169)
Total Authority Operating Expenses	\$ 9,232,309	\$ 10,780,457	\$ (1,548,148)
 2021 Annual Operating Budget		 \$ 16,292,294	

New Jersey Schools Development Authority
Capital Expenditures
July 31, 2021

Description of Capital Item:	Budget Year	Budget Amount	Capital Expenditures			Project Funds Not Required	Over/ (Under) Budget
			2021	Pre-2021 (1)	Total		
Leasehold Improvements		\$ -	\$ -	\$ -	\$ -	\$ -	-
Office Furniture & Equipment		-	56,620	-	56,620	-	56,620
PMWeb Computer Software System:							
Software & Development - Consulting	2018/2019	2,500,000	-	818,302	818,302	1,200,000	(481,698)
Development - SDA Staff Time	2019/2020	600,000	-	520,697	520,697		(79,303)
Development - SDA Staff Time Reallocated from Consulting	2021	-	-	-	-	(200,000)	(200,000)
Total Capital Items		\$ 3,100,000	\$ 56,620	\$ 1,338,999	\$ 1,395,619	\$ 1,000,000	

(1) Multi-year capital projects only.

New Jersey Schools Development Authority

Fund Reporting Operating Expenses vs Prior Year

July 31, 2021

<u>Category</u>	<u>Actual</u> <u>Year-To-Date</u>	<u>2020</u> <u>Year-To-Date</u>	<u>Over/</u> <u>(Under)</u>
Personnel Expenses:			
Employee Salaries	\$ 8,609,669	\$ 9,278,205	\$ (668,536)
Employee Benefits	5,034,544	4,721,579	312,965
Direct Hire Temporary Employee Costs	-	2,561	(2,561)
Total Employee Salaries & Benefits Costs	13,644,213	14,002,345	(358,132)
Less: Employee Salaries & Benefits Costs Charged to Projects	6,715,688	7,395,927	(680,239)
Salaries & Benefits Charged to Operating Expense	6,928,525	6,606,418	322,107
Temporary Staffing Services	-	-	-
Travel & Expense Reimbursements	11,005	7,741	3,264
Training & Professional Development	12,828	12,994	(166)
Total Personnel Expenses	6,952,358	6,627,153	325,205
Non-Personnel Operating Expenses:			
Facilities & General Office Expenses	1,174,573	1,237,616	(63,043)
Information Systems	587,993	444,814	143,179
Professional & Other Contracted Services	249,266	285,403	(36,137)
Property & Casualty Insurance	235,578	205,757	29,821
SDA-Owned Automobiles	32,477	38,478	(6,001)
Communications & Outreach	64	60	4
Reserve for Unforeseen Events & New Initiatives	-	-	-
Total Authority Operating Expenses	\$ 9,232,309	\$ 8,839,281	\$ 393,028

New Jersey Schools Development Authority

Employee Headcount

July 31, 2021

	<u>Current Month End</u>	<u>Budget</u>	<u>Over/ (Under)</u>
Office of Chief Executive Officer	3	4	(1)
Human Resources	4	4	-
Communications	3	2	1
Information Systems	13	14	(1)
Central Records Management	3	3	-
Legislative Affairs	1	1	-
Office of Program Operations & Strategic Planning	2	2	-
Capital Planning & Program Operations	7	7	-
Design Studio	18	18	-
Grants Administration	9	10	(1)
Real Estate Services & Predevelopment	5	8	(3)
Vendor Development	0	5	(5)
Office of Construction Operations	0	0	-
Project Teams	27	28	(1)
Office of Corporate Governance & Legal Affairs	5	5	-
Chief Counsel	8	9	(1)
Safety	8	6	2
Internal Audit	3	3	-
Office of Chief Financial Officer	2	2	-
Financial Operations	7	7	-
Financial Accounting & Disbursements	11	11	-
Procurement	8	10	(2)
Risk Management	8	8	-
Property Management	3	4	(1)
Facilities	4	4	-
Total Full-Time Employees at Month End	<u>162</u>	<u>175</u>	<u>(13)</u>
Total Full-Time Employees at Year End		<u>175</u>	

New Jersey Schools Development Authority
Statement of Net Position
July 31, 2021

	<u>Current Month End</u>	<u>2020 Year End</u>	<u>Over/ (Under)</u>
ASSETS			
Cash and Cash Equivalents	\$ 472,304,453	\$ 268,635,774	\$ 203,668,679
Receivables	7,240	41,180	(33,940)
Prepaid Expenses	252,655	227,090	25,565
Capital Assets (Net of Accumulated Depr.)	1,236,821	1,497,713	(260,892)
Total Assets	473,801,169	270,401,757	203,399,412
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Amount for Pensions & OPEB	11,845,796	14,692,410	(2,846,614)
TOTAL ASSETS & DEFERRED OUTFLOWS OF RESOURCES			
	\$ 485,646,965	\$ 285,094,167	\$ 200,552,798
LIABILITIES			
Accrued Project Costs	\$ 37,738,793	\$ 45,456,575	\$ (7,717,782)
Net Pension Liability	42,434,159	42,434,159	-
Accrued Other Post-Employment Benefits	27,754,118	27,307,940	446,178
Other Accrued Liabilities	2,171,692	5,436,891	(3,265,199)
Deposits	5,591,052	5,089,508	501,544
Total Liabilities	115,689,814	125,725,073	(10,035,259)
DEFERRED INFLOWS OF RESOURCES			
Deferred Amount for Pensions & OPEB	26,873,752	26,873,752	-
NET POSITION			
Invested in Capital Assets	1,236,821	1,497,713	(260,892)
Restricted for Schools Construction:			
Special Revenue Fund	341,846,578	130,997,629	210,848,949
Net Position	343,083,399	132,495,342	210,588,057
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES & NET POSITION			
	\$ 485,646,965	\$ 285,094,167	\$ 200,552,798

New Jersey Schools Development Authority

Statement of Activities

July 31, 2021

	<u>Current Year-To Date</u>	<u>2020 Year-To Date</u>	<u>Over/ (Under)</u>
REVENUES			
Program Revenues:			
Bond and Note Proceeds (Issued by EDA)	\$ 350,000,000	\$ -	\$ 350,000,000
Bidding Fees-Plans & Specs	-	-	-
General Revenues:			
Investment Earnings	123,353	2,591,936	(2,468,583)
Rental Income	7,000	24,500	(17,500)
Other Revenue-OPRA	1,831	-	1,831
Total Revenues	350,132,184	2,616,436	347,515,748
EXPENSES			
Administrative & General Expenses	9,678,487	9,068,280	610,207
Capital Depreciation	317,512	95,566	221,946
School Facilities Project Costs	129,548,128	154,130,645	(24,582,517)
Total Expenses	139,544,127	163,294,491	(23,750,364)
CHANGE IN NET POSITION	210,588,057	(160,678,055)	371,266,112
Beginning of Period Net Position	132,495,342	434,338,673	(301,843,331)
NET POSITION END OF PERIOD	\$ 343,083,399	\$ 273,660,618	\$ 69,422,781

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

COMPLETED EXECUTIVE SESSION MATTERS



To: Members of the Authority

From: Jane F. Kelly, Vice President, Corporate Governance and Legal Affairs

Date: September 1, 2021

Re: Report On Completed Executive Session Matters

Section 3.6 of the Bylaws of the New Jersey Schools Development Authority (NJSDA) authorizes the conduct of certain business of the Authority in Executive Session. Pursuant to Section 3.7 of the Bylaws, the Board shall determine when those matters discussed in Executive Session are appropriate for release in Open Session.

Attached is a list of certain matters that were the subject of discussion in the Executive Session meeting of the Board held between February 2009 and September 2018. It has been determined that the handling of these matters has now been completed. As such, it is recommended that the resolution of the items listed on the attached be released by the Authority in the Open Session of the September 1, 2021 meeting of the NJSDA Board of Directors. Minutes relating to these matters or any portion thereof that are exempt from disclosure under the Open Public Records Act, pursuant to the attorney-client privilege or in accordance with other applicable law shall remain exempt from disclosure, notwithstanding the release in Open Session.

**New Jersey School Development Authority
Resolved Board Meeting Executive Session Resolutions
Sorted by Division and Date Originally Presented in Executive Session
February 2009 thru September 2018**

DATE ORIGINALLY PRESENTED IN EXECUTIVE SESSION	DETAILS
	AMMENDMENTS/CHANGE ORDERS/AWARDS/CHARTERS
October 9, 2009	Michael Graves & Associates (Architect Firm), amendment #1, Paterson No.16, contract #PA-0024-A01
April 6, 2011	Release of Program Reserve and Approval of Charter Jersey City School District, Frank A. Conwell Elementary School #3 & Frank A. Conwell Middle School #4
May 4, 2011	Approval of Charter – Newark Public School District, Science Park High School
July 6, 2011	COMPANY NAME: Becica Associates LLC DISTRICT: Long Branch CONTRACT NO: ET-0068-A01 PMF/CM: Greyhawk Construction Managers & Consultants SCHOOL NAME: Catrambone School (Formerly Elberon ES) AMENDMENT NO.: 10 REASON:2011 Capital Program Project: Design Modifications, Peer Review, Site Investigations, Rebidding Services, and Extended and Additional Construction Administration Phase Services
December 7, 2011	COMPANY NAME: PB+3D/I DISTRICT: Newark School District CONTRACT NO.: PM-0007-P01 SCHOOL: Various Schools REASON: Resolution of all open Amendment Requests
April 5, 2017	COMPANY NAME: Terminal Construction Corporation DISTRICT: Gloucester CONTRACT NO.: ST-0014-B01 CM: Greyhawk North America, LLC SCHOOL NAME: Gloucester City New ES/MS CHANGE ORDER NO.: 5 REASON: Additional Work and Associated Cost to Satisfy Acoustical Performance Requirements CONTRACT STATUS: 90% Paid to Date against the Current Contract Value
	SETTLEMENTS
February 4, 2009	Recommendation for Settlement of Claim for Damages Mt. Vernon Elementary School

**New Jersey School Development Authority
Resolved Board Meeting Executive Session Resolutions
Sorted by Division and Date Originally Presented in Executive Session
February 2009 thru September 2018**

DATE ORIGINALLY PRESENTED IN EXECUTIVE SESSION	DETAILS
March 3, 2010	Catto Demonstration Project: Recommendation for settlement of Claims; Pleasant Gardens Realty Corporation v H. Kohnstamm & Company, et.al;
November 2, 2011	Recommendation for Settlement of Condemnation Matter NJSDA v. Passaic Realty Development Corp. Docket No. PAS-L-3432-08 Passaic Leonard Place Early Childhood Center and Board of Education Offices
November 2, 2011	Recommendation for Settlement of Condemnation Matter NJSDA v. Broadway United Methodist Church Docket No. CAM-L-3652-09 Camden School District, Lanning Square Elementary School Project
July 5, 2012	Settlement of Condemnation Matter <u>NJSDA v. Westside Plaza Realty, LLC et al.</u> Docket No. ESX-L-2280-10 Newark School District, Westside High School Project
January 2, 2014	Recommendation for Settlement of Prospective Litigation Relating to Conditions at the Old Long Branch High School in the Long Branch School District
December 2, 2015	Request for Authorization of Global Settlement with Design Ideas Group Relating to Multiple Projects.
November 2, 2016	Recommendation for Settlement of Cost Recovery Litigation: NJSDA v. Yezzi Associates, LLC and PMK Group Inc. et al. – Relating to Orange Park Avenue Elementary School Facilities Project
January 4, 2017	Recommendation for the Settlement of Litigation Between the NJSDA and Sambe Construction Co., Inc. Relating to the Egg Harbor Township High School Project.
April 5, 2017	Recommendation for the Settlement of Claims by the Cumberland Regional High School District Relating to the Cumberland Regional High School Renovation Project: Cumberland Regional High School NJSDA Project No No. 0997-030-02-0926
June 6, 2018	Recommendation for the Settlement of Cost Recovery Litigation Relating to the Egg harbor Township High School Project.
June 6, 2018	Recommendation for Settlement of Outstanding Issues and Closeout of Demonstration Project Grant Agreements Relating to the New Brunswick High School, East Orange Cicely Tyson M. School of Performing and Fine Arts, Trenton Daylight/Twilight High School and Vineland Gloria Sabater Elementary School.

**New Jersey School Development Authority
Resolved Board Meeting Executive Session Resolutions
Sorted by Division and Date Originally Presented in Executive Session
February 2009 thru September 2018**

DATE ORIGINALLY PRESENTED IN EXECUTIVE SESSION	DETAILS
September 5, 2018	Recommendation for Comprehensive Settlement of All Claims Asserted by Hall Construction Co., Inc. Relating to the Keansburg Joseph C. Caruso Elementary School and Paterson School No. 16 Projects.
September 5, 2018	Recommendation for Settlement with Summit Redevelopers, LLC and Epic management, LLC of Outstanding Issues Relating to the Union City High School Demonstration Project.
REAL ESTATE MATTERS	
April 6, 2011	Request for Lease Renewal Approval Joseph C. Caruso New ECC and Lorraine Place Elementary School Borough of Keansburg, Monmouth County
May 4, 2011	Request for Lease Renewal Approval A. Chester Redshaw and Paul Robeson Community School Projects Urban Renewal – 30 Van Dyke New Brunswick, New Brunswick School District
August 3, 2011	Request for Lease Extensions Union City School District New Elementary School #3, Christopher Columbus
December 7, 2011	Real Property Acquisition City of Paterson School District Replacement Elementary School #16
March 7, 2012	Request for Lease Extension Union City School District New Elementary School #3, Christopher Columbus
April 4, 2012	COMPANY NAME: The Church of St. Ann DISTRICT: Borough of Keansburg CONTRACT NO: ET-0030-L05 SCHOOL NAME: Joseph C. Caruso School REASON: Continued Need for Swing Space
June 6, 2012	Request for Lease Extension Approval SDA Memorandum of Agreement with Department of Children & Families New Brunswick School District, City of New Brunswick

**New Jersey School Development Authority
 Resolved Board Meeting Executive Session Resolutions
 Sorted by Division and Date Originally Presented in Executive Session
 February 2009 thru September 2018**

DATE ORIGINALLY PRESENTED IN EXECUTIVE SESSION	DETAILS
May 1, 2013	COMPANY NAME: The Church of St. Ann DISTRICT: Borough of Keansburg CONTRACT NO: ET-0030-L05 SCHOOL NAME: Joseph C. Caruso School REASON: Continued Need for Swing Space
January 2, 2014	Partial Extension of Lease Agreement with DB Realty II and MOA with the DCA (DCA's Super storm Sandy recovery team)
August 6, 2014	Lease Renewal 30 and 40 Van Dyke Avenue, New Brunswick, NJ
November 5, 2014	Request for Authorization of Transfer of Real Property to the Union City School District Pursuant to N.J.S.A. 18A:7G-20
August 5, 2015	Prospective Declaration of Surplus Property and Transfer of Trenton Roebling Property to City of Trenton.
December 2, 2015	Recommendation for Declaration of Surplus Property – Determination of Property Value and Authorization for Public Sales and Conveyance of the 1201 memorial Drive, Asbury Park Property to the Successful Bidder.
April 5, 2017	Recommendation for Declaration of Surplus Property, Determination of Property Value and Authorization for the Sale and Conveyance of thirteen parcels of Real Property in the City of Camden (Coopers Poynt Properties)

**New Jersey School Development Authority
Resolved Board Meeting Executive Session Resolutions
Sorted by Division and Date Originally Presented in Executive Session
February 2009 thru September 2018**

New Jersey School Development Authority Board Meeting Executive Session Resolutions Real Estate Matters August 2013 to April 2019				
District	DOE Project No.	Project Name	Block/Lot	Actual Acquisition Date
Harrison	2060-N03-15-OAEJ	New ES	158/46	2/17/2016
Harrison	2060-N03-15-OAEJ	New ES	158/45.03	2/17/2016
Harrison	2060-N03-15-OAEJ	New ES	158/47	1/6/2016
Orange	3880-070-01-0969	Cleveland Street E.S.	704/10	12/30/2015
Orange	3880-070-01-0969	Cleveland Street E.S.	704/11	9/10/2015
Orange	3880-070-01-0969	Cleveland Street E.S.	704/12	1/5/2016
Paterson	4010-N05-02-0954	New Union Avenue Middle School	8208/2	5/14/2015

Prepared by: Stacy Maliszewski
 Assisted by: John Dragani
 Barbara McNeil
 Jeanette Paul
 Sandra Vieser

PUBLIC COMMENT STATEMENT

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

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

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

RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION

Resolution—9.

Resolution to Adjourn into Executive Session

Resolution

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

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

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

WHEREAS, the matter to be considered by the Board in Executive Session involves proposed Amendments relating to the Cleveland Street Elementary School Project (Project) in the Orange Public School District; and

WHEREAS, ongoing negotiations that pertain to the Project and the Project schedule require discussion of these Amendments in the Executive Session of the meeting; and

WHEREAS, the minutes of the Board’s September 1, 2021 Executive Session meeting will be available for release for public review upon the full and final conclusion of all negotiations, deliberations, legal proceedings, and the execution of all documentation, agreements and leases associated therewith.

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

BE IT FURTHER RESOLVED, that the minutes of the Board’s September 1, 2021 Executive Session meeting will be available for release for public review upon the full and final conclusion of all negotiations, deliberations, legal proceedings, settlements, and the execution of all documentation, agreements and leases associated therewith.

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

Attached: Resolution to Adjourn into Executive Session, dated September 1, 2021

Dated: September 1, 2021