

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS TELECONFERENCE MEETING
WEDNESDAY, SEPTEMBER 1, 2021**

A teleconference meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, September 1, 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
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; 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 August 4, 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. Piaia, the Open Session minutes of the August 4, 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 said that final inspections are completed for the Camden HS project and that the SDA received a temporary certificate of occupancy (TCO) on August 20. For the Millville HS addition and renovation project, he reported that the facility's North Addition - Phase III of this multi-phase project – received a TCO on August 27, 2021. He noted that the North Addition includes science classrooms, a gymnasium and a dance studio, among other spaces. He added that Phase IV asbestos abatement work is complete and demolition has begun there. With respect to the Passaic Dayton Avenue Educational Campus project, he said that the Building Management System is being finalized and air and water balancing is ongoing. He noted that all finish work, including installation of casework, is being completed on all floors. He advised that curbs, driveways and paving are

completed, as well as fencing. He added that landscaping is complete and final inspections are ongoing.

In continuing, Mr. Da Silva reported that for the Paterson Union Avenue MS project, air and water balancing is ongoing, as are final inspections. For the Perth Amboy HS project, he said that production piles installation work has commenced, is underway, and is anticipated for completion later this month. With regard to the Plainfield Woodland Avenue ES project, he advised that steel erection has commenced and slab on grade work is underway.

Turning to design-bid-build projects in the construction stage, Mr. Da Silva reported that for the Keansburg Port Monmouth Road School project, concrete floor slab construction is complete for the addition. He said that the SDA has applied for a TCO for the Orange HS project addition.

With respect to projects in the programming/pre-design/in-house design stages, Mr. Da Silva informed the Members that for the Hoboken Demarest ES project, pre-design services are being completed. For the Union City New Grade 7 to 9 School project, he said that the notice-of-award for demolition and early site preparation work was issued in August 2021.

Turning to non-project related matters, Mr. Da Silva informed the Members that there is an additional report in the monthly reports section of the meeting materials. He said that this report is a listing of those items previously considered in Executive Session meetings that are now completed.

Mr. Da Silva said that yesterday the SDA joined the Camden School District, Congressman Donald Norcross, Camden Mayor Vic Carstarphen, state and local officials, and students to celebrate the ribbon cutting ceremony for the new Camden High School Campus. He said that it was a great day. He advised the Board that attendees took a tour of the new school and saw the historical pieces that were integrated into the building. He thanked and congratulated

Team Oakley, the SDA design studio and all SDA staff members who were involved in delivering this project.

Next, Mr. Da Silva provided the Board with an update regarding the SDA-owned Astor Place property in Jersey City. He said that the Authority recently received a letter from counsel for B.I.T.E. that is under review by Chief Counsel's Office. At this time, Mr. Maloney joined the call.

Mr. Luckie inquired as to the status of certain SDA projects and Mr. Da Silva provided him with the timelines associated with those projects.

School Review Committee

Release of Funds from the Program Reserve, Contract Award and Final Charter – Newark Public School District - Malcolm X. Shabazz High School Emergent 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 August 16, 2021. He advised the Board that management is requesting that the Board approve the release of funds from the program reserve, a contract award and final charter for the Newark Malcolm X. Shabazz HS emergent project (Project or School). He explained that in September 2019, the Board approved the use of the general construction task order contract (GCTOC) which authorized the establishment of a pool of contractors to perform certain SDA project work. He advised that following Board approval in 2008 and 2011, \$197 million was made available to fund emergent project work in SDA Districts and in 2020 the Board approved the reallocation of \$55.6 million from the Authority's Unforeseen Events Reserve for this purpose as well. He said that the School was built in 1976 and educates approximately 560 students in grades nine through twelve.

Mr. Luckie informed the Members that SDA confirmed emergent structural floor slab deficient conditions at the School. He explained that staff then utilized the 2017 design consultant task order contract to engage Design Resources Group (DRG) in October 2018 to provide necessary investigative and design services. He added that DRG was 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. Mr. Luckie said that with design work complete, management now 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.

In continuing, Mr. Luckie advised that the construction task order assignment recommended for this project results from use of the SDA GCTOC which provides that work may be assigned on a lump sum basis after competitive bidding among task order contractors. He noted that the package for work on the Project was bid on a lump sum basis with advertising beginning on May 20, 2021. He advised that funding from the Program Reserve was available and had been allocated for Project work. He said that, following completion of the procurement process, management recommends award of the Project to Hall Building Corporation (HBC) in the amount of \$1,699,000, which includes allowances of \$380,000. He said that management has determined that HBC has included all Project scope work in its bid and HBC has confirmed that its price proposal includes all scope elements contained in the contract documents. He advised that management also recommends that the Board approve the Project's final charter and the release of \$2,433,067 from the emergent projects reserve for the Project. He added 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. Piaia and seconded by Mr. Elbert, and a release of funds from the program reserve, contract award and final charter for the Newark Malcolm X. Shabazz HS emergent project were approved with the Board's unanimous vote in favor of *Resolution 5a*.

Real Estate Committee

Modifications to New Rules for Disposition of SDA Surplus Real and Personal Property N.J.A.C. 19:35. - INFORMATIONAL

At the Chairman's request, Mr. Vargas provided the report of the Real Estate Committee. Referencing materials that previously were provided for review, Mr. Vargas said that the Committee met on August 16, 2021 to discuss clarifications that the Office of Administrative Law requested to the Authority's Proposed New Surplus Property Rules (Rules). He reminded the Members that at this past June's Board meeting the Members approved for publication and public comment Rules establishing requirements and procedures for the Authority's disposition of SDA-owned real and personal property if the property is deemed surplus---that is, no longer needed for school facilities projects or SDA operations. He said that following approval, the Notice of Proposal was filed with the state Office of Administrative Law (OAL). Mr. Vargas said that after the OAL reviewed the Rules they sought clarification of a few of the Rules' provisions. He explained that, specifically, OAL has requested that SDA clarify a few of the Rules' provisions that pertain to the standards that apply when SDA exercises its discretion and makes certain determinations under the Rules. He said that staff has made minor edits to the Rules in response to OAL's request and these modifications have been approved by the Executive Team, as well as the Rules Division in the Governor's Office and the Governor's Authorities Unit. He advised that these modifications do not require further Board approval.

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.

Mr. Nixon then asked for a motion to adjourn the Open Session of the meeting and to move into Executive Session. He asked Ms. Kelly to announce the matter to be considered in Executive Session. Ms. Kelly said that the Board has resolved to adjourn into Executive Session to discuss one matter. She said that, due to ongoing negotiations regarding the Orange Cleveland Street ES project (Project), the Board will adjourn into Executive Session to discuss proposed amendments for the Project's design consultant and construction management firm. She added that the Board will vote on this matter upon its return to Open Session. Ms. Kelly then asked that the Chairman present ***Resolution 9***, reflecting the Board's resolve to move into Executive Session to discuss these Amendments.

The Chairman presented ***Resolution No. 9*** for a vote. Upon motion duly made by Mr. Luckie and seconded by Mr. Piaia, the Members of the Authority unanimously voted to approve ***Resolution 9***, and thereby adjourned the Open portion of the meeting into Executive Session.

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

Mr. Luckie announced that in Executive Session, the Board had discussed the School Review Committee's recommendation that the Board approve Amendment No. 1 for Epic Management Inc. and Amendment No. 17 for Lan Associates relating to the Orange Cleveland Street ES emergent project.

A resolution pertaining to these proposed Amendments was provided to the Board for review in advance of the meeting. Upon motion duly made by Mr. Vargas and seconded by Mr. Piaia, the Committee's recommendation in this matter was approved by the Board with its unanimous vote in favor of ***Resolution A1***.

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 September 1, 2021 meeting.

/s/ Jane F. Kelly
Assistant Secretary