

**MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
TELECONFERENCE CONDUCTED FROM
Delaware Memorial Bridge Complex
Thursday, January 21, 2021**

The meeting convened via teleconference at 12:57 p.m. with Chairperson Lathem presiding.

The opening prayer was given by Chairperson Lathem, followed by the Pledge of Allegiance.

Chairperson Lathem called on the Authority Assistant Secretary to read the meeting notice. The Assistant Secretary announced that a notice of the meeting had been distributed to the offices of the Governor of New Jersey and the Governor of Delaware, to appropriate staff members and consultants, to the press in both States and to any other individuals who had indicated an interest in receiving a copy of the meeting notice.

Chairperson Lathem called on the Assistant Secretary to take the roll.

The Assistant Secretary announced that by letter dated January 19, 2021, Commissioner James Bennett had tendered his resignation as a Commissioner effective immediately.

Commissioners from Delaware

Samuel Lathem, Chairperson**
Crystal L. Carey*
Henry J. Decker*
James L. Ford III*
Michael Ratchford*
Veronica O. Faust *

Commissioners from New Jersey

James N. Hogan, Vice-Chairperson**
Vacant ++
Sheila McCann*
Shirley R. Wilson*
Ceil Smith*
M. Earl Ransome, Jr.*

*Attended via telephonic/Zoom video

** Physically present in James Julian Boardroom

++ Resignation of James Bennett tendered and accepted prior to the start of the meeting

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Chairperson Lathem called for the acceptance of the Agenda.

Commissioner Decker made a motion to accept the Agenda, seconded by Commissioner Ransome, and the motion carried by a voice vote of 11-0.

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11726. APPROVAL OF THE MEETING MINUTES

Commissioner Carey made a motion to approve meeting minutes for December 15, 2020, seconded by Commissioner Faust, and approved by a voice vote of 11-0.

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11727. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Chief Financial Officer (CFO) presented charts showing Actual versus Projected Revenues for the Delaware Memorial Bridge, the Cape May-Lewes Ferry, Airports, Delaware City-Salem Ferry Crossing and Food Service for December 2020.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11728. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expense for December 2020 with comparisons to the same periods last year.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11729. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented charts for December 2020 showing expenses by division for the quarter to date vs. the projected quarter and for year to date vs. total budget.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11730. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented charts for December 2020 showing the capital budget for crossing and economic development projects and dollars committed to date for the projects. The chart also included cash expenditures spent to date for the committed projects.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11731. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) FOR DECEMBER 31, 2020

The CFO presented charts indicating the cash fund balances for the entire Authority.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11732. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Lathem noted (2) Contract Awards, (3) Contract Close-Outs, and (2) Resolutions.

All action items have been reviewed, and recommended for consideration during today’s Committee meetings. He then called for public comment.

There were no public comments.

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11733. AWARD OF CONTRACT #DMB-21-02 – FIRST STRUCTURE COATING REMOVAL & REPLACEMENT SIDESPANS

The Chief Operations Officer (COO) noted that a public opening bid was held on December 31, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Blastech Enterprises, Inc. of Baltimore, Maryland in the amount of \$7,247,500.00.

A motion to award CONTRACT #DMB-21-02 to the aforementioned firm was made by Commissioner Ford, seconded by Commissioner Carey and approved by a voice vote of 11-0.

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11734. AWARD OF CONTRACT #DMB-20-02 – SALT STORAGE BUILDING & FUEL ISLAND CANOPY REPAIRS

The Chief Operations Officer (COO) noted that a public opening bid was held on December 29, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Quinn Construction, Inc., of Essington, PA in the amount of \$499,588.00.

A motion to award CONTRACT #DMB-20-02 to the aforementioned firm was made by Commissioner Ransome, seconded by Commissioner Wilson and approved by a voice vote of 11-0.

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11735. CLOSE-OUT CONTRACT #DMB-13-01 – I-295 SB RECONSTRUCTION, PHASE IV

Contract #DMB-13-01 – SB RECONSTRUCTION, PHASE IV was awarded to Mumford and Miller Concrete Company of Middletown, DE.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$37,822,418.18.

A motion to Close-Out Contract #DMB-13-01 was made by Commissioner Ford, seconded by Commissioner Smith and approved by a voice vote of 11-0.

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11736. CLOSE-OUT CONTRACT #DMB-19-06 JULIA BUILDING SERVER & EVIDENCE ROOM HVAC IMPROVEMENTS

Contract #DMB-19-06 – JULIA BUILDING SERVER & EVIDENCE ROOM HVAC IMPROVEMENTS was awarded to Gaudelli Bros., Inc. of Millville, New Jersey.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$148,192.00.

A motion to Close-Out Contract #DMB-19-06 was made by Commissioner Ford, seconded by Commissioner Carey and approved by a voice vote of 11-0.

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11737. CLOSE-OUT CONTRACT #DMB-19-24 – CAPITAL ROOF REPLACEMENT DMB COMPLEX, BUILDINGS 1-4

Contract #DMB-19-24 – CAPITAL ROOF REPLACEMENT DMB COMPLEX, BUILDINGS 1-4 was awarded to D.A. Nolt Inc. of Berlin, New Jersey.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$1,151,742.49.

A motion to Close-Out Contract #DMB-19-24 was made by Commissioner Ransome, seconded by Commissioner Carey and approved by a voice vote of 11-0.

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11738. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

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RESOLUTION 21-01 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2021 THROUGH DECEMBER 31, 2021

WHEREAS, The Delaware River and Bay Authority (the “Authority”) adopted Resolution 01-84 requiring Commissioner review and approval of all Authority expenditures in excess of \$25,000; and

WHEREAS, the Authority anticipates expenditures at or over the \$25,000 amount to the following vendors:

DELAWARE RIVER & BAY AUTHORITY
VENDORS PROJECTED TO BE PAID OVER \$25,000
FOR THE PERIOD 1/1/21 THROUGH 12/31/21

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
Delaware Bay Launch Service, Inc.	Tug Boat Services at CMLF	Committee Waiver	\$100,000
M.J. Bradley & Associates	Grant Consulting Services for the Ferry Repowering Projects	Professional Service	\$48,000
Sobieski Life Safety, Inc.	Fire Suppression and Extinguisher Maintenance, Testing and Inspection	Quotes	\$35,000

NOW, THEREFORE, BE IT RESOLVED, that the Authority authorizes expenditures to the above-listed vendors for the described purposes and authorizes payment.

A motion to approve Resolution 21-01 was made by Commissioner Smith, seconded by Commissioner Carey, and approved by a roll call vote of 11-0.

Resolution 21-01- Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2021 through December 31, 2021.

Committee: Budget & Finance

Committee and Board Date: January 21, 2021

Purpose of Resolution:

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2021 calendar year.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 01-84, whereby the Authority shall not enter into any contract committing the Authority to spend or make any other expenditures relating to services, material and supplies in the amount of \$25,000 or more unless it has first been approved by a vote of Commissioners.

Purchase Detail:

Delaware Bay Launch Service, Inc.: Tug Boat Services at CMLF

The Cape May–Lewes docking facilities are currently undergoing a planned capital construction project to replace the passenger transfer bridges. The project requires a slip at each terminal to be taken out of service while under construction, and when winds are strong enough to push our vessels away from the pier, the Authority requires the assistance of a tug boat operator to hold the vessel within the open slip. The amount of assistance needed would be unknown, thus rather than include this service as part of the competitively-bid project, DRBA Operations carved out this work and requested direct quotes for the service after the transfer bridges project had been awarded. At the time this decision was made, staff estimated that the tug boat services would fall below the \$50,000 “public bidding” threshold, however, project delays have led to the majority of the work taking place under unfavorable wind conditions. Three vendors were originally solicited for quotes (Delaware Bay Launch, Sea Tow and Northstar Marine, Inc.), only Delaware Bay Launch responded with a quote to provide the specified work.

M.J. Bradley & Associates: Grant Consulting Services for the Ferry Repowering Projects

The Authority plans to hire M.J. Bradley to assist in managing the Federal Transit Agency's (FTA) reporting requirements and all other grant compliance elements associated with the Passenger Ferryboat Grant agreement executed between the Authority and FTA.

Sobieski Life Safety, Inc: Fire Suppression and Extinguisher Maintenance, Testing and Inspection

Expecting the annual costs to exceed the \$50K threshold, the Authority issued a public advertisement to all qualified firms wishing to bid to provide Authority-wide Fire Suppression and Extinguisher Maintenance, Testing and Inspection. Four bids were received, with Sobieski Life Safety being the lowest bidder. 2021 represents the first year of three potential years under contract with this vendor.

Classification Definitions:

Committee Waiver. The Budget and Finance Committee, in consideration of the overall procurement process, may increase or waive the thresholds established in paragraphs 1 and 2 of Resolution 98-31 for the following reasons: operational needs and issues, a need for uniformity and continuity in materiel and services required by the Authority, and unique or special needs of the Authority including, but not limited to, the desirability of owner furnished materiel and supplies in vessel repair, maintenance, renovation and rehabilitation (DRBA Resolution 98-31 Part 3).

Professional Service. A purchase of services valued less than \$50,000 that are provided by a professional acting in a capacity that requires specialized education, knowledge, judgment, and skill, and is predominantly mental or intellectual (as opposed to physical or manual) in nature, also including any clerical or administrative support that is required for the proper delivery of the professional service. Professional services may also be classified as those types of services that are original and creative in character and in a recognized field of artistic endeavor.

Quotes. A purchase of equipment, supplies or non-professional services or a contract for construction or construction management that is anticipated to cost between \$25,000 and \$49,999 during a calendar year and for which the Authority has solicited written quotes. *“Contracts for materiel and supplies and non-professional services, awarded to any [vendor for an amount of] more than \$25,000 but less than \$50,000 in the aggregate require the solicitation of three written quotes or all available sources, whichever is less... Construction management contracts or construction contracts...which are less than \$50,000 do not require formal solicitation of competitive prices and, if more than \$25,000 but less than \$50,000 require the solicitation of three written quotes or all available sources, whichever is less...”* (DRBA Resolution 98-31 Part 4).

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RESOLUTION 21-02 – MODIFYING THE DELAWARE RIVER AND BAY AUTHORITY’S 2021 CAPITAL IMPROVEMENT PROGRAM (CIP)

WHEREAS, the Delaware River and Bay Authority (the “Authority”) has adopted the 2021 Capital Improvement Program (CIP) for capital improvement projects Authority-wide in the amount of \$92,384,000.00 in Authority funds and \$21,787,000.00 in external funds, for a total of \$114,171,000.00; and

WHEREAS, the Authority previously deferred consideration of multiple capital improvement projects at the New Castle Airport (“ILG”) in the amount of \$3,527,000.00 in Authority funds and \$54,000.00 in external funds, for a total of \$3,581,000.00; and

WHEREAS, the Authority now intends to proceed with the previously deferred capital improvement projects at the New Castle Airport; and

WHEREAS, the Authority’s Projects Committee has conducted a publicly advertised meeting to discuss the addition of the previously deferred ILG projects to the 2021 CIP; and

WHEREAS, the Projects Committee has reviewed and approved the proposed modification to the 2021 CIP and recommends its adoption by the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the Authority hereby amends the 2021 Capital Improvement Program to add projects at the New Castle Airport in the amount of \$3,581,000.00.

A motion to approve Resolution 21-02 was made by Commissioner Ford, seconded by Commissioner Decker, and approved by a roll call vote of 10-0-1. Commissioner Faust abstained from voting.

Resolution 21-02 Executive Summary Sheet

Resolution: Authorizing the modification of The Delaware River and Bay Authority’s 2021 Capital Improvement Program (CIP) investment proposal

Committee: Projects Committee

Committee Date: January 21, 2021

Board Date: January 21, 2021

Purpose of Resolution: To authorize a modification of the Delaware River and Bay Authority’s 2021 Capital Improvement Program (CIP) investment proposal by adding projects budgeted at \$3,527,000.00 in Authority funds and \$54,000.00 in external funds, for a total of \$3,581,000.00, at the New Castle Airport.

Background for Resolution:

The Delaware River and Bay Authority has adopted a 2021 Capital Improvement Program (CIP) for major capital improvement projects, minor capital maintenance projects, minor capital equipment purchases, and automation/telecom upgrades at the Delaware Memorial Bridge, the Cape May-Lewes Ferry, the Forts Ferry, the New Castle Airport, the Millville Airport, the Cape May Airport, the Delaware Airpark, and the Civil Air Terminal in the amount of \$92,384,000.00 in Authority funds and \$21,787,000.00 in external funds, for a total of \$114,171,000.00. As originally adopted, the CIP excluded certain projects at ILG for further consideration.

The Authority now desires to modify the 2021 CIP to include the previously deferred ILG projects, which would increase the CIP by \$3,527,000.00 in Authority funds and \$54,000.00 in external funds, for a total of \$3,581,000.00.

The modification of the 2021 Capital Improvement Program (CIP) will provide for the proper maintenance and improvement of the New Castle Airport’s infrastructure and facilities and assure that the public continues to enjoy safe and efficient transportation services.

This modification to the 2021 CIP also modifies the Five-Year (2021-2025) Strategic Plan showing projections for four additional years of capital spending.

The Projects Committee has conducted a publicly advertised meeting on the proposed modifications to the 2021 CIP, approved the proposed 2021 CIP modification, and recommends their adoption to the Board of Commissioners.

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11740. COMMISSIONERS PUBLIC FORUM

Chairperson Lathem called for comments from the public and Commissioners.

Counsel reported that Rob Walls from First Net, AT&T joined the Zoom meeting but was unable to stay on until the open public comment at the end of all action items. Mr. Walls relayed the following information via Zoom chat to the meeting host which was read into the record.

“I hope you are well. I represent FirstNet, Built with AT&T. We are providing Mission Critical Communications for Public Safety, Emergency Management, Transportation authorities, First Responders & those who support our First Responders. We are saving money for many other Transportation Authorities such as SEPTA, Amtrak & even DELDOT. I have to jump for a 1:00 call. However, would you be able to direct me to who I should work with at DRBA to evaluate this service? Similar to how we support DivComm, DelDOT, DEMA and many other first responder organizations in the state, FirstNet will provide the most reliable, secure & prioritized communications for your employees. Please let me know who to work with. Rob Walls - 610-772-5189 - rw4167@att.com”

Chairperson Lathem asked staff to follow up as appropriate.

There was no additional public comment.

There were no comments from Commissioners.

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11741. ELECTION OF 2021 AND 2022 OFFICERS

Chairperson Lathem called on the Executive Director to conduct the elections of Chairperson and Vice-Chairperson for 2021 and 2022.

The Executive Director called for the election of the Chairperson and Vice-Chairperson in accordance with Article II, 2.2 of the Authority By-Laws. He stated that the election of officers are to take place in January at the Board of Commissioners meeting held during an odd numbered year with each two (2) year term to commence at the commissioners February meeting held during the odd numbered year. The offices of Chair and Vice-Chair shall alternate every two years between states.

Commissioner Carey left the meeting prior to voting.

Executive Director Cook called for nomination of Chairperson

Commissioner Smith made a Motion to nominate Commissioner Hogan as Chairperson, seconded by Commissioner Wilson.

Executive Director Cook called for nomination of Vice-Chairperson.

Commissioner Decker made a Motion to nominate Commissioner Lathem as Vice-Chairperson, seconded by Commissioner Ratchford.

The nominations were closed and the motion to elect Commissioner Hogan as Chairperson and Commissioner Lathem as Vice-Chairperson for 2021 and 2022 was approved by a roll call vote of 10-0.

There being no further business, Chairperson Lathem adjourned the meeting at 1:16 p.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Stephen D. Williams
Assistant Secretary