

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, September 19, 2017
Virden Center, University of Delaware
700 Pilottown Road
Lewes, DE 19958

The meeting convened at 2:21 p.m. with Chairperson Hogan presiding.

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

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Commissioners from Delaware

Commissioners from New Jersey

PRESENT

William E. Lowe, Vice-Chairperson
Crystal L. Carey
James L. Ford, III
Samuel E. Lathem
Michael Ratchford
Henry J. Decker

James N. Hogan, Chairperson
James Bennett- **Absent**
Douglas Van Sant
Shirley R. Wilson
Ceil Smith
VACANT

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The opening prayer was given by Commissioner Lathem, followed by the Pledge of Allegiance led by the Executive Director.

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Chairperson Hogan called for the acceptance of the Agenda.

Commissioner Decker made a motion to accept the Agenda, seconded by Commissioner Van Sant, and the motion carried by a voice vote of 10-0.

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11296. APPROVAL OF THE JULY 18, 2017 MINUTES

Chairperson Hogan called for the approval of the July 18, 2017 meeting minutes.

Commissioner Decker made a motion to approve the July 18, 2017 meeting minutes, seconded by Commissioner Van Sant, and unanimously approved by a voice vote of 10-0.

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11297. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Chief Financial Officer (CFO) presented a chart showing Actual versus Projected Revenues for the Delaware Memorial Bridge, the Cape May-Lewes Ferry, Airports, Delaware City-Salem Ferry Crossing, and Food Services for the month of July 2017.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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11298. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented a chart showing statements of income and expenses for the month of July and August with comparisons to the same period last year.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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11299. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented a chart for July and August showing expenses by division for the quarter to date vs. the projected quarter and for year to date vs. total budget.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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11300. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented a chart for the month of July and August 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 chart was ordered filed with the permanent records of the Authority.

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11301. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF JULY 31, 2017 and AUGUST 30, 2017.

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

Without objection, the chart was ordered filed with the permanent records of the Authority.

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11302. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Hogan noted that there are two (2) Contract Awards, and one (1) Contract Close-Out and nine (9) Resolutions for consideration.

All action items have been reviewed and recommended for consideration during today's Committee meetings. Chairperson Hogan called for public comment.

There were no public comments.

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11303. AWARD OF CONTRACT #ILG-17-13 – ROOF AND BUILDING ENVELOPE REHABILITATION, TERMINAL BUILDING ROOM REPLACEMENT

The Chief Operations Officer (COO) noted that a public bid opening was held on August 31, 2017 and three (3) bids were received. The COO and the Projects Committee recommended awarding the contract to the lowest responsible bidder, EDiS Company, 110 South Poplar Street, Wilmington, DE 19801 in the amount of \$959,000.00.

A motion to award Contract #ILG-17-13 to the aforementioned firm was made by Commissioner Decker, seconded by Commissioner Wilson, and unanimously approved by a voice vote of 10-0.

11304. AWARD OF CONTRACT #CMLF-18-01 ANNUAL VESSEL MAINTENANCE & DRY DOCKING - DRYDOCKING AND REPAIRS OF M/V NEW JERSEY

The Chief Operations Officer (COO) noted that a public bid opening was held on August 30, 2017 and one (1) bid was received. The COO and the Projects Committee recommended awarding the contract to the lowest responsible bidder, GMD Shipyard Corp. 62 Flushing Avenue, Brooklyn, NY 11205, in the amount of \$2,968,502.87.

A motion to award Contract #CMLF-18-01 to the aforementioned firm was made by Commissioner Van Sant, seconded by Commissioner Decker, and unanimously approved by a voice vote of 10-0.

11305. CLOSE-OUT CONTRACT #DMB-15-01 – PIER REPAIRS

On May 19, 2015 Contract No. DMB-15-01, PIER REPAIRS, was awarded to New Age Fastening Systems, Inc. of Sewell, NJ for the bid price of \$770,975.23. There were a total of one (1) change orders, totaling an increase in contract value of \$106,705.23.

It is recommended that the Authority accept the project and make final payment to the contractor. The final cost of this project is \$877,680.46.

A motion to close-out Contract DMB-15-01 was made by Commissioner Wilson, seconded by Commissioner Smith, and approved by a voice vote of 10-0.

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RESOLUTION 17-36 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2017 THROUGH DECEMBER 31, 2017

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
PROJECTED VENDORS TO BE PAID OVER \$25,000
OPERATION EXPENDITURES
FOR THE PERIOD 1/1/17 THROUGH 12/31/17

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
Maritime Emergency Response Educators, LLC	Passenger Vessel Firefighting Training	Professional Services	\$29,000
Computers and Structures, Inc. (CSI)	Bridge Analysis and Rating Software	Proprietary	\$31,000

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 17-36 was made by Commissioner Decker, seconded by Commissioner Van Sant, and approved by a roll call vote of 10-0.

Resolution 17-36 Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2017 through December 31, 2017.

Committee: Budget & Finance

Committee and Board Date: September 19, 2017

Purpose of Resolution:

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2017 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.

Background for the specific purchases:

Maritime Emergency Response Educators, LLC: Passenger Vessel Firefighting Training

The Authority utilizes professional instructors to provide firefighting training to the CMLF Marine department. The purpose of each course is to increase the knowledge and preparedness of Cape May-Lewes Ferry personnel concerning fire and emergency situations. Classroom instruction includes the following subjects: fire chemistry, fire behavior, fire prevention and safe practices, personal protective equipment, portable extinguishers, fixed fire suppression systems and fire attack theory. Practical application will provide employees with marine firefighting strategies and tactics, effective use of fire nozzles, advancing of firefighting hose lines, large hose handling techniques, direct fire attack, fire containment, control, and suppression, ventilation techniques, search and rescue techniques, and an introduction to Crowd Control/Crowd Management. The cost reported is the estimated sum of several training sessions to be delivered by Maritime Emergency Response Educators throughout 2017.

Computers and Structures, Inc. (CSI): Bridge Analysis and Rating Software

DRBA engineering consultants have developed a complex model of bridge geometries, boundary conditions and load cases for both Delaware Memorial Bridge structures using CSiBridge, software owned by CSI. In order put use the models as intended, the Authority must the purchase an upgraded license to run the proprietary software. Amongst the many benefits of integrated 3-D software, this purchase will enable in-house engineers to analyze the effect of different loads on DMB structures (e.g., run load analysis on trucks before approving/denying permits).

Classification Definitions:

Professional Services. 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.

Proprietary. A purchase necessary to support or maintain existing Authority equipment for which a vendor has the right to prohibit an equivalent product from being supplied. Similar products or services may be available, however the Authority must purchase from the original equipment manufacturer or service provider to uphold a contract, warranty, etc. A proprietary specification typically restricts the acceptable product or service to one manufacturer or vendor; although the product or service may be available from more than one distributor.

RESOLUTION 17-38 - AUTHORIZING THE SALE OF THE DELAWARE CITY POST OFFICE LOCATED IN DELAWARE CITY, DELAWARE

WHEREAS, the Delaware River and Bay Authority (the “Authority”) is the owner of real property situate in the City of Delaware City, New Castle County, Delaware located at 54 Clinton Street (the “Property”), said lot being comprised of .54 acres identified as tax parcels 2200700063, 2200700065 and 2200700187; and

WHEREAS, the Authority has determined that it is in its best interest to sell the property; and

WHEREAS, John Buchheit has made an offer of Three Hundred and Thirty Thousand dollars (\$330,000.00) to purchase the Property; and

WHEREAS, the Authority has an appraisal identifying the offer as meeting the Fair Market Value of the property; and

WHEREAS, the Authority desires to sell the real estate property to John Buchheit for the Purchase price of \$330,000.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to negotiate the terms and conditions of an Agreement of Sale (the “Agreement of Sale”) to effect the sale of the property and to have the Agreement of Sale and all associated documents related to and required to consummate the sale, with the advice and consent of Counsel, executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to approve Resolution 17-38 was made by Commissioner Lowe, seconded by Commissioner Smith, and approved by a roll call vote of 10-0.

Resolution 17-38 Executive Summary

Resolution: Authorizing the Execution of an Agreement of Sale between the Delaware River and Bay Authority and John Buchheit in the City of Wilmington

Committee: Economic Development

Committee Date: September 19, 2017

Board Date: September 19, 2017

Purpose of Resolution: To permit the Executive Director, Chairman and Vice Chairman to execute and deliver an Agreement of Sale for property in the City of Delaware City.

Background for Resolution:

The Delaware River and Bay Authority owns a building at 54 Clinton Street in Delaware City that is currently leased to the USPS. Mr. Buchheit is a partner in several of the businesses along Clinton Street and is interested in expanding his presence. The property was most recently appraised in 2011 and the purchase price is in line with the appraisal.

RESOLUTION 17-39 - AUTHORIZES A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND GLASTOWN BREWING, LLC AT THE MILLVILLE AIRPORT

WHEREAS, the Delaware River and Bay Authority (the “Authority”), is the operator of the Millville Airport (the “Airport”), Millville, New Jersey; and

WHEREAS, Glasstown Brewing, LLC (“Glasstown”) desires to lease approximately 2,816 square feet of space located in Building #10 and 575 square feet of garage space in the CFI Hangar at the Millville Airport; and

WHEREAS, Glasstown has agreed to pay the Authority annual rent in the amount of Eight Thousand Three Hundred and Fifty-Eight dollars 93/100(\$8,358.93); and

WHEREAS, the initial term of the Lease (“Lease Agreement”) shall be for Twelve (12) years; and

WHEREAS, rent shall be adjusted annually by the Consumer Price Index(CPI); and

WHEREAS, rent shall adjust in the 6th year of the lease term by the Fair Market Value (FMV); and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement with Glasstown Brewing, LLC and, with the advice and consent of counsel, to have such agreement executed by the Chairperson, Vice Chairperson and the Executive Director.

A motion to approve Resolution 17-39 was made by Commissioner Decker, seconded by Commissioner Carey, and approved by a roll call vote of 10-0.

Resolution 17-39 Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Glasstown Brewing, LLC, regarding the Millville Airport

Committee: Economic Development

Committee Date: September 19, 2017

Board Date: September 19, 2017

Purpose of Resolution: To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a lease agreement for space at the Millville Airport.

Background for Resolution:

The Delaware River and Bay Authority owns a facility located at 10 Peterson Street on the Millville Airport. Glasstown Brewing, LLC is an existing tenant off the airfield and their lease is expiring in November. They would like to renew and are requesting a 12 year term to coincide with bank financing to acquire new equipment for expansion. The lease rate is based upon Fair Market Value for the space.

RESOLUTION 17-40 - AUTHORIZES A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND THUNDERBOLT DISTRIBUTING, LLC AT THE MILLVILLE AIRPORT

WHEREAS, the Delaware River and Bay Authority (the “Authority”), is the operator of the Millville Airport (the “Airport”), Millville, New Jersey; and

WHEREAS, Thunderbolt Distributing, LLC (“Thunderbolt”) desires to lease approximately 1,200 square feet of space located at 312 Beacon Avenue at the Millville Airport; and

WHEREAS, Thunderbolt has agreed to pay the Authority annual rent in the amount of Six Thousand dollars (\$6,000.00); and

WHEREAS, the initial term of the Lease (“Lease Agreement”) shall be for one (1) year; and

WHEREAS, Thunderbolt shall have the option of renewing the Lease Agreement for four (4), one (1) renewal options; and

WHEREAS, rent shall be adjusted annually by the Consumer Price Index(CPI); and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement with Thunderbolt Distributing, LLC and, with the advice and consent of counsel, to have such agreement executed by the Chairperson, Vice Chairperson and the Executive Director.

A motion to approve Resolution 17-40 was made by Commissioner Smith, seconded by Commissioner Wilson, and approved by a roll call vote of 10-0.

Resolution 17-40 Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Thunderbolt Distributing, LLC, regarding the Millville Airport

Committee: Economic Development

Committee Date: September 19, 2017

Board Date: September 19, 2017

Purpose of Resolution: To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a lease agreement for space at the Millville Airport.

Background for Resolution:

The Delaware River and Bay Authority owns a facility located at 312 Beacon Street on the Millville Airport. Thunderbolt Distributing, LLC wishes to lease this facility in order start a beer distributing business. They have acquired their Federal license and are in the final approval process with the State of NJ. In order to receive final approval they must present a valid lease agreement. The lease rate is based upon Fair Market Value.

RESOLUTION 17-41 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND MAVERICK AIR, LLC.

WHEREAS, the Delaware River and Bay Authority (the “Authority”), is the operator of the New Castle Airport (“Airport”); and

WHEREAS, Maverick Air, LLC (“Maverick”) desires to lease approximately 5,650 square feet of hangar and office space (1/4 share) in a facility commonly referred to as 137 North DuPont Hwy. or Hangar A; and

WHEREAS, Maverick has agreed to pay the Authority annual rent in the amount of Ninety-Eight Thousand Seven Hundred and Ninety-Eight Dollars 38/100 (\$98,798.38); and

WHEREAS, the initial term of the Agreement shall be for three (3) years; and

WHEREAS, Maverick shall have the option to renew the Agreement for two (2) additional one (1) year terms; and

WHEREAS, rent during each non-renewal year shall adjust annually by the Consumer Price Index (CPI); and

WHEREAS, rent at the beginning of the first renewal term shall adjust by the current Fair Market Value (FMV); and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement with Maverick Air, LLC and, with the advice and consent of Counsel, to have such Agreement executed by the Chairperson, Vice Chairperson and the Executive Director.

A motion to approve Resolution 17-41 was made by Commissioner Van Sant, seconded by Commissioner Smith, and approved by a roll call vote of 10-0.

Resolution 17-41 Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Maverick Air LLC regarding the New Castle Airport

Committee: Economic Development

Committee Date: September 19, 2017

Board Date: September 19, 2017

Purpose of Resolution:
To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a Lease Agreement for space at the New Castle Airport.

Background for Resolution:
The Delaware River and Bay Authority operates a building located at 137 North DuPont Hwy, known as Hangar A at the New Castle Airport. Maverick Air LLC currently leases space in this hangar and their lease is expiring in November. Maverick would like to continue to lease the space in order to operate their corporate flight department. Maverick has been a tenant at the airport since 2007.

RESOLUTION 17-42 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND OVERHEAD DOOR COMPANY OF DELMAR, INC.

WHEREAS, the Delaware River and Bay Authority (the "Authority"), is the operator of the New Castle Airport ("Airport"); and

WHEREAS, Overhead Door Company of Delmar, Inc. ("Overhead") desires to lease approximately 7,230 square feet of warehouse and shop space in a facility commonly referred to as 502 New Churchmans Rd.; and

WHEREAS, Delta has agreed to pay the Authority annual rent in the amount of Fifty Thousand Dollars 00/100 (\$50,000.00); and

WHEREAS, the initial term of the Agreement shall be for one (1) year; and

WHEREAS, Overhead shall have the option to renew the Agreement for three (3) additional one (1) year terms; and

WHEREAS, rent during each renewal year shall adjust annually by the Consumer Price Index (CPI); and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement with Overhead Door Company of Delmar, Inc. and, with the advice and consent of Counsel, to have such Agreement executed by the Chairperson, Vice Chairperson and the Executive Director.

A motion to approve Resolution 17-42 was made by Commissioner Smith, seconded by Commissioner Ratchford, and approved by a roll call vote of 10-0.

Resolution 17-42 Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Overhead Door Company of Delmar, Inc. regarding the New Castle Airport

Committee: Economic Development

Committee Date: September 19, 2017

Board Date: September 19, 2017

Purpose of Resolution:

To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a Lease Agreement for space at the New Castle Airport.

Background for Resolution:

The Delaware River and Bay Authority operates a building located at 502 New Churchmans Rd. at the New Castle Airport. Overhead Door Company of Delmar, Inc. currently leases this facility. Overhead door would like to re-lease the entire facility totaling 7,230 sq.ft. to continue their operation of their existing business at the airport. The rent is based upon the FMV of the building.

RESOLUTION 17-43 – AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND ELLIOTT BAY DESIGN GROUP, LLC TO PROVIDE NAVAL ARCHITECT AND MARINE ENGINEERING SERVICES FOR VESSEL REPOWERING.

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority of the State of Delaware and the State of New Jersey created by Compact that owns, operates and controls the Cape May-Lewes Ferry; and

WHEREAS, the Authority plans to dry dock and repower the M/V Cape Henlopen between November 2018 and April 2019, and the M/V New Jersey between November 2019 and April 2020 (the “Projects”); and

WHEREAS, the Authority desires to engage a firm to provide the professional naval architect, marine engineering and related consulting services necessary to successfully perform each of the above Projects (hereinafter, the “Services”); and

WHEREAS, the Authority publicly advertised and issued a Request for Proposal (“RFP”) for the Services in compliance with Resolution 98-31, as amended, which governs the procedure for the procurement of professional services; and

WHEREAS, the Authority received and evaluated two proposals pursuant to the aforementioned RFP; and

WHEREAS, Elliott Bay Design Group, LLC (“Elliott Bay”) was designated as the highest-ranking firm following evaluation by the selection committee; and

WHEREAS, the Authority negotiated for services at compensation determined to be fair and reasonable with Elliott Bay, and in making such determination, conducted an analysis of the cost of the services in addition to considering the scope and complexity; and

WHEREAS, the Authority desires to enter into a Services Agreement (“Agreement”) with Elliott Bay; and

WHEREAS, the Projects Committee reviewed the recommendation and concurs with the evaluation; and

THEREFORE BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Agreement with Elliott Bay to provide the Services to the Authority and to have the Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 17-43 was made by Commissioner Ford, seconded by Commissioner Van Sant, and approved by a roll call vote of 10-0.

Resolution 17-43 Executive Summary Sheet

Resolution: Authorizing the Authority to enter into an agreement with Elliott Bay Design Group, LLC (“Elliott Bay”) to provide Naval Architect and Marine Engineering Services for Vessel Repowering

Committee: Projects Committee

Committee/

Board Date: September 19, 2017

Purpose of Resolution:

To authorize an agreement with Elliott Bay to provide the necessary professional naval architect, marine engineering and consulting services for repowering M/V Cape Henlopen and M/V New Jersey.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 98-31, as amended, which governs the Authority’s procedures for the procurement of professional services.

The Authority must hire a qualified professional naval architecture/marine engineering firm to provide the engineering services necessary to guide a contractor (shipyard) specifically how to perform the removal of existing main engines and reduction gears, exhaust, etc. and to perform the successful installation of new propulsion systems aboard M/V Cape Henlopen and M/V New Jersey. The selected firm will also be tasked with to assist the DRBA in creating bid packages for the solicitation of quotes for engine removals/installations, and assisting the Authority in overseeing and managing the shipyard production to ensure that the propulsion system is installed according to specifications and within budget.

The Authority received and evaluated proposals submitted by the following firms:

Elliott Bay Design Group, LLC
Glosten

The Authority carefully reviewed the proposal submissions of each firm and utilized evaluation criteria to establish a ranked list, with Elliott Bay being ranked highest and Glosten being a close and acceptable second. The Authority conducted an analysis of the market to analyze the costs for the Services and will negotiate with Elliott Bay to provide such Services at compensation determined to be fair and reasonable.

RESOLUTION 17-44 – AUTHORIZES THE AUTHORITY TO ENTER INTO A CONTRACT WITH ALIMAK HEK, INC. FOR DELAWARE MEMORIAL BRIDGE ELEVATOR REPAIRS.

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority of the State of Delaware and the State of New Jersey created by Compact that owns, operates and controls the Delaware Memorial Bridge; and

WHEREAS, the Authority desires to engage a contractor to perform extensive repairs to the tower elevators on the Delaware Memorial Bridge, (hereinafter, the “Project”); and

WHEREAS, it was discussed during the June 21, 2016 Projects Committee Meeting that sole source procurement will be used to complete the Project; and

WHEREAS, Alimak Hek, Inc. (“Alimak”) was designated as the sole contractor; and

WHEREAS, the Authority received a bid from Alimak to perform the work; and

WHEREAS, the Authority negotiated for a price determined to be fair and reasonable; and

WHEREAS, the cost of the work when completed in accordance with the contract will be two million, eight hundred ninety-three thousand, six hundred forty-eight dollars (\$2,893,648.00).

THEREFORE BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the contract with Alimak to provide the work to the Authority and to have the contract, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 17-44 was made by Commissioner Smith, seconded by Commissioner Van Sant, and approved by a roll call vote of 10-0.

Resolution 17-44 Executive Summary Sheet

Resolution: Authorizes the Authority to enter into a contract with Alimak Hek, Inc. for Delaware Memorial Bridge elevator repairs.

Committee: Projects Committee

Committee/

Board Date: September 19, 2017

Purpose of Resolution:

To authorize a contract with Alimak Hek, Inc. for Delaware Memorial Bridge elevator repairs.

Background for Resolution:

The Authority plans to refurbish the 8 tower elevators on the Delaware Memorial Bridge. It was previously determined via Resolution that the contract to do so would be executed via sole source procurement. Alimak Hek (“Alimak”) was designated as the sole source contractor. A price of \$2,893,648 has been negotiated for the work. The negotiated price includes a 5-year warranty. This resolution authorizes the execution of said contract.

RESOLUTION 17-45 – RESCINDING THE AWARD OF CONTRACT #33N-17-B – CARRIER VEHICLE WITH PLOW, BLOWER, AND BROOM AND AUTHORIZING THE AWARD OF CONTRACT #33N-17-B2 – CARRIER VEHICLE WITH PLOW, BLOWER, AND BROOM.

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority of the State of Delaware and the State of New Jersey, created by Compact, that owns, operates and controls Delaware Airpark (33N); and

WHEREAS, Authority Operations has previously determined a need for a multi-use vehicle with plow, blower, and broom for use at 33N (the “Equipment”); and

WHEREAS, the Authority previously authorized the award of Contract #33N-17-B, 90% of the cost of which will be reimbursed by an FAA Airport Improvement Program grant, subject to approval; and

WHEREAS, the FAA has ruled that the bids do not fulfill the FAA “Buy American” component of the grant requirements, thus the Authority has informed all bidders that all bids on Contract 33N-17-B been rejected, formally closing the procurement; and

WHEREAS, in an effort to exhaust all possibilities to secure the FAA grant funds, the Authority distributed a new set of Contract Documents to the single firm that was found capable of meeting FAA domestic component requirements and technical specifications for the Equipment (“M-B Companies”); and

WHEREAS, it is reasonable to conclude that M-B Companies is the only source of Equipment that will satisfy the requirements of the Authority; and

WHEREAS, the compliant Equipment cost (\$146,942.00) is lower than the previous two (rejected) bids, thus the Authority has met its obligation to examine cost data prior to award; and

WHEREAS, the FAA supports this procurement path and plans to authorize an amended grant application; and

WHEREAS, the Authority desires to enter into a purchase agreement (the “Agreement”) with M-B Companies for the Equipment, contingent upon FAA final approval and grant award; and

WHEREAS, the Projects Committee reviewed the recommendation and concurs; and

THEREFORE BE IT RESOLVED, that the Projects Committee hereby rescinds its approval to award DRBA Contract 33N-17-B and that the Executive Director is hereby authorized to finalize the terms and conditions of an Agreement with M-B Companies to provide the Equipment to the Authority and to have the Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 17-45 was made by Commissioner Decker, seconded by Commissioner Wilson, and approved by a roll call vote of 10-0.

Resolution 17-45 Executive Summary Sheet

Resolution: Rescinding the award of Contract #33N-17-B – Carrier Vehicle with Plow, Blower, And Broom and authorizing the award of Contract #33N-17-B2 – Carrier Vehicle with Plow, Blower, and Broom.

Committee: Projects Committee

Committee/

Board Date: September 19, 2017

Purpose of Resolution:

To rescind a prior contract authorization (#33N-17-B) and to authorize the execution of a revised contract (#33N-17-B2) for the purchase of a carrier vehicle with plow, blower, and broom for Delaware Airpark.

Background for Resolution:

The Authority recently completed a public solicitation (Purchase Agreement 33N-17-B) for the equipment listed above, 90% of the cost of which is to be reimbursed by a FAA Airport Improvement Program grant. Two (2) bids were received, with prices ranging from \$166-197,000. Award of the contract was approved by Commission at the July 18, 2017 meeting, contingent upon FAA final approval and grant award.

The bidders made every effort to configure the equipment to comply with the FAA “Buy American” component of the grant requirements, but ultimately neither was able to fulfill this obligation and thus gain FAA approval. Because contract award remained contingent upon FAA final approval, the Authority proceeded to formally reject the contract and notified all participating bidders.

In its effort to exhaust all available methods to secure the FAA grant, the Authority was able to locate an equipment supplier able to meet the technical specifications and the FAA domestic content requirements. Time was not available to both rebid the contract and meet the FAA grant application deadline, therefore the previous contract documents were revised and a quote was requested. The quoted cost, \$146,920.00, came in lower than the previous two bids. The FAA supports the procurement path chosen by DRBA and plans to authorize our amended grant application.

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11307. EXECUTIVE DIRECTOR’S COMMENTS

The Executive Director reported on activities in and around the Authority as follows:

DRBSafe 3rd Anniversary Carnival was held on August 22, 2017 at DMB, where employees were able to enjoy giveaways, ice cream, and a dunk tank with some of the authority’s key players. The event raised over \$300 in cash donations and 200 pounds of food donations which were donated to the Hurricane Harvey Relief Fund. A few people got wet and a lot of employees had fun for a great cause.

Upcoming events:

- Thursday, September 21, 2017- \$5.4M FAA Grant announcement is taking place at New Castle Airport at 12:30pm,
- Saturday, September 30, 2017 Escape to Lewes is taking place at 10:30 am
- Sunday, October 1, 2017 DMB is hosting the Charity Bridge Run at 7:00 am

Ribbon cuttings for both the new light industrial building at Cape May Airport and the opening of the new runway at Delaware Airpark will take place in October. Additional details on the specific events to follow.

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11308. COMMISSIONERS PUBLIC FORUM

Chairperson Hogan opened the public forum.

Chairperson Hogan called for any comments from the public.

There were no public comments.

Chairperson Hogan called for any comments from Commissioners.

There were no Commissioner comments.

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There being no further business, a motion to adjourn was made by Commissioner Lowe, seconded by Commissioner Van Sant, and unanimously carried by a voice vote of 10-0.

The meeting was adjourned at 2:39 p.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY
Frank W. Minor
Assistant Secretary