

**MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Delaware River and Bay Authority
TELECONFERENCE CONDUCTED FROM
Delaware Memorial Bridge Complex
Tuesday, June 16, 2020**

The meeting convened at 12:27 p.m. with Vice-Chairperson Hogan presiding.

The opening prayer was given by Deputy Executive Director Stephen Williams, followed by the Pledge of Allegiance.

Vice-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.

Vice-Chairperson Hogan called for the acceptance of the Agenda.

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

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

Commissioners from Delaware

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

Commissioners from New Jersey

James N. Hogan, Vice-Chairperson
James Bennett - Absent
Sheila McCann
Shirley R. Wilson
Ceil Smith
M. Earl Ransome, Jr.

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11643. APPROVAL OF THE MEETING MINUTES

Vice Chairperson Hogan noted some administrative errors on the April 21, 2020 minutes which were corrected by the Assistant Secretary. Without objection, the amended minutes were ordered filed with the permanent records of the Authority.

Commissioner Wilson made a motion to approve meeting minutes for May 19, 2020 seconded by Commissioner Smith approved by a voice vote of 10-0.

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11644. 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 May 2020.

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

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11645. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expense for May 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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11646. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented charts for May 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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11647. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented a chart for May 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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==c 11648. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) FOR MAY 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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11649. PUBLIC COMMENT ON ACTION ITEMS

Vice-Chairperson Hogan noted (8) Contract Awards, (1) Contract Close-Out, and (6) Resolutions to be considered today. 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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11650. AWARD OF CONTRACT #CMLF-19-04 FENDER REPLACEMENT AT LEWES DELAWARE FERRY TERMINAL

The Chief Operations Officer (COO) noted that a public opening bid was held on May 12, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Agate Construction Company Inc. of Clermont, New Jersey in the amount of \$630,950.00.

A motion to award CONTRACT #CMLF-19-04 to the aforementioned firm was made by Commissioner Ford, seconded by Commissioner Smith, approved by a voice vote of 10-0.

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11651. AWARD OF CONTRACT #DMB-20-06 2020 DECK REPAIRS

The Chief Operations Officer (COO) noted that a public opening bid was held on May 12, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, J.D. Eckman, Inc. of Atglen, Pennsylvania in the amount of \$2,267,000.00.

A motion to award CONTRACT #DMB-20-06 to the aforementioned firm was made by Commissioner Ford, seconded by Commissioner McCann, approved by a voice vote of 10-0.

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11652. AWARD OF CONTRACT #DMB-20-07 – INTERSTATE 295/US-13 MISCELLANEOUS ROADWAY REPAIRS

The Chief Operations Officer (COO) noted that a public opening bid was held on May 21, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Mumford & Miller Concrete, Inc. of Middletown, Delaware in the amount of \$702,977.05.

A motion to award CONTRACT #DMB-20-07 to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Smith, approved by a voice vote of 10-0.

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11653. AWARD OF CONTRACT #MIV-20-A – SOUTH APRON EXPANSION

The Chief Operations Officer (COO) noted that a public opening bid was held on May 8, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, South State, Inc. of Bridgeton, New Jersey in the amount of \$1,164.877.00.

A motion to award CONTRACT #MIV-20-A to the aforementioned firm was made by Commissioner Decker, seconded by Commissioner Smith, approved by a voice vote of 10-0.

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11654. AWARD OF CONTRACT #33N-20-A –APRON EXPANSION - PHASE

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The Chief Operations Officer (COO) noted that a public opening bid was held on May 28, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Eastern States Construction Services Inc. of Wilmington, Delaware in the amount of \$1,485.726.43.

A motion to award CONTRACT #33N-20-A to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Wilson, approved by a voice vote of 10-0.

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11655. AWARD OF CONTRACT #WWD-20-A – REHABILITATE RUNWAY
10-28 – PHASE I

The Chief Operations Officer (COO) noted that a public opening bid was held on May 28, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, South State, Inc. of Bridgeton, New Jersey in the amount of \$2,915,813.00.

A motion to award CONTRACT #WWD-20-A to the aforementioned firm was made by Commissioner McCann, seconded by Commissioner Ford, approved by a voice vote of 10-0.

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11656. AWARD OF CONTRACT #ILG-20-A –RUNWAY 1-19
REHABILITATION - PHASE I

The Chief Operations Officer (COO) noted that a public opening bid was held on May 28, 2020. The COO and Projects Committee recommended rejecting the bid received from the lowest responsible bidder, Diamond Materials, of Wilmington, Delaware in the amount of \$11,758,442.00.

A motion to reject CONTRACT #ILG-20-A was made by Commissioner Ratchford, seconded by Commissioner Smith, approved by a voice vote of 9-0-1. Commissioner Faust abstained from voting.

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11657. AWARD OF CONTRACT #DMB-20-03 – UHPC PILOT PROJECT

The Chief Operations Officer (COO) noted that a public opening bid was held on May 29, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, J.D. Eckman, Inc., of Atglen, Pennsylvania in the amount of \$6,204,215.00.

A motion to award CONTRACT #DMB-20-03 to the aforementioned firm was made by Commissioner Ford, seconded by Commissioner Ratchford, approved by a voice vote of 10-0.

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11658. CLOSE-OUT CONTRACT #CMLF-C19-03 – ANNUAL DREDGING

Contract #CMLF-C19-03 – Annual Dredging 2020 was awarded to Barnegat Bay Dredging of Harvey Cedars, 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 \$386,662.50.

A motion to Close-Out Contract #CMLF-C19-03 was made by Commissioner Wilson, seconded by Commissioner McCann and approved by a voice vote of 10-0.

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Commissioner Ransome left the meeting prior to any votes being taken on Resolutions.

11659. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

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RESOLUTION 20-14 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2020 THROUGH DECEMBER 31, 2020

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 1/1/20 THROUGH 12/31/20

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
EBC Carpet Services, Inc.	Annual Floor Maintenance at Delaware Facilities	Committee Waiver	\$40,000

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 20-14 was made by Commissioner Wilson, seconded by Commissioner Faust and approved by a roll call vote of 9-0.

Resolution 20-14 Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2020 through December 31, 2020.

Committee: Budget & Finance

Committee and Board Date: June 16, 2020

Purpose of Resolution:

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2020 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:

EBC Carpet Services, Inc.: Annual Floor Maintenance at Delaware Facilities

The Authority uses a contractor to provide Carpet Cleaning and Floor Maintenance services at its Delaware facilities. In March, Maintenance staff began the process of requesting quotes for the next three-year contract term, however due to the spread of COVID-19; contractor site visits to our interior spaces were suspended. EBC Carpet Services, Inc., our current contractor, has offered to continue offering services through December 31, 2020 at their original agreed-upon contract rate. The Authority will solicit for quotes for the next full 3-year term (2021-2023) prior to the end of 2020. Per Resolution 98-31, under normal circumstances, a purchase of non-professional services valued between \$25,000 and \$50,000 in any one calendar year would require the solicitation of three written quotes or all available sources, whichever is less.

Classification Definitions:

Committee Waiver. The Budget and Finance Committee in consideration of the overall procurement process, operational needs and issues, the need for uniformity and continuity in materiel and services required by the Authority, the unique and 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, may increase or waive the thresholds established in paragraphs 1 and 2 of Resolution 98-31. (DRBA Resolution 98-31 Part 3).

Cooperative Contract. A purchase of equipment, supplies or non-professional services which, under normal circumstances, would require competitive bidding, however the vendor has agreed to provide the goods or services to the Authority at fees less than or equal to that vendor's respective publicly-bid contract price for state and governmental entities. In accordance with Resolution 11-36, this purchase classification includes those *"...purchases from cooperatives and/or the piggy-backing of existing publicly-bid contracts for state and governmental entities which State of Delaware or New Jersey may or may not individually publicly advertise*

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).

State Contract. A purchase of equipment, supplies or non-professional services which, under normal circumstances, would require competitive bidding, however the vendor has agreed to provide the goods or services to the Authority at fees less than or equal to that vendor's respective contract as awarded by the State of Delaware or New Jersey. *"Any contract for the purchase of materiel and supplies and non-professional services....which contract individually exceeds \$50,000, or in the combination with other contracts, exceeds \$50,000 in any one calendar year shall be pursuant to a contract entered into by the Authority after competitive bidding. This provision shall not apply to purchases by the Authority from suppliers in cases where the Authority is purchasing at prices pursuant to contracts awarded by the States of Delaware or New Jersey for state agencies."* (DRBA Resolution 11-36 Part 2.a.).

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RESOLUTION 20-15 - LEASE AMENDMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND CAPE MAY BREWING LLC

WHEREAS, The Delaware River and Bay Authority (the "Authority"), is the operator of the Cape May Airport ("Airport"); and

WHEREAS, CMB desires to continue to lease approximately 6,000 square feet of space in Building 96 comprised of Units 5,6,7 & 8 at the Cape May Airport; and

WHEREAS, Cape May Brewing LLC would like to add a 30,000 sq. ft. area to construct a beer garden; and

WHEREAS, the term of this agreement shall be coterminous with the base agreement; and

WHEREAS, the rent for the initial year of this agreement shall be Six Thousand 00/100 Dollars (\$6,000.00) annually; and

WHEREAS, rent shall increase annually beginning July 1, 2021 by the Consumer Price Index (CPI) during the remain years of the renewal period; and

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

A motion to approve Resolution 20-15 was made by Commissioner Smith, seconded by Commissioner Carey and approved by a roll call vote of 9-0.

Resolution 20-15 Executive Summary

Resolution: Authorizing the Execution of a Lease Amendment between the Delaware River and Bay Authority and Cape May Brewing LLC, regarding Cape May Airport

Committee: Economic Development

Committee Date: June 16, 2020

Board Date: June 16, 2020

Purpose of Resolution: To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a lease amendment for existing lease space at the Cape May Airport.

Background for Resolution: The Delaware River and Bay Authority operates a retail building at the Cape May Airport commonly referred to as Building 96. Cape May Brewing currently leases Units 5, 6, 7 & 8 in the building at the Cape May Airport. Cape May Brewing would like to expand their business to include a beer garden behind the facility. The term of the lease coordinates with the remaining term of their facilities at the airport so that they will all expire at the same time.

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RESOLUTION 20-16 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND FIXED BASED OPERATORS (FBO) AT NEW CASTLE AIRPORT

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

WHEREAS, the Authority currently has unoccupied hangar space; and

WHEREAS, the Authority has received requests from FBOs desiring to occupy available hangar space for overnight and short term periods; and

WHEREAS, the Authority previously approved short term hangar rates for FBOs in 2005 via Resolution 05-13; and

WHEREAS, hangar rates have increased over time and a new rate structure has been developed; and

WHEREAS, these rates shall be effective for a one (1) year period and will be increased by the Consumer Price Index (CPI) annually, and

WHEREAS, the following is a list of entities that are eligible to enter into the above mentioned Lease Agreements; and

1. Atlantic Aviation
2. Dassault Falcon Jet Wilmington
3. Fly Advanced

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of such lease agreements with the entities listed above and, with the advice and consent of counsel, to have such agreements executed by the Chairperson, Vice Chairperson and the Executive Director.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 05-13 is hereby rescinded.

A motion to approve Resolution 20-16 was made by Commissioner Ford, seconded by Commissioner Decker and approved by a roll call vote of 8-0-1. Commissioner Faust abstained from voting.

Resolution 20-16 Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and the Fixed Based operators (FBO’s) at the New Castle Airport

Committee: Economic Development

Committee Date: June 16, 2020

Board Date: June 16, 2020

Purpose of Resolution:

To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a lease agreement for Fixed Based Operators at the New Castle Airport.

Background for Resolution:

The Delaware River and Bay Authority (DRBA) owns several hangars at the New Castle Airport. There are currently several vacancies in these hangars that the Fixed Based Operators (FBO's) have expressed an interest in renting on a short-term basis. The DRBA previously passed a resolution in 2005 when a similar vacancy situation occurred to publish rates and permit the FBOs to lease space at these rates on a short-term basis. This resolution updates the rates as well as the FBO's on the airfield.

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RESOLUTION 20-17 – AUTHORIZING UNION RECOGNITION OF CERTAIN PEAK-PART TIME PERSONNEL AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) AND SIDE LETTER AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND THE MARINE ENGINEERS’ BENEFICIAL ASSOCIATION (MEBA)

WHEREAS, The Delaware River and Bay Authority (the “Authority”) operates the Delaware Memorial Bridge, Cape May-Lewes Ferry, Forts Ferry Crossing, and five (5) airport facilities; and

WHEREAS, permanent full-time ferry crew and marine mechanical personnel including pilots, mates, able bodied seamen, ordinary seamen, chief engineers, first assistant engineers, third assistant engineers, QMEDs, oilers, and wipers; and marine mechanics, assistant mechanics, marine electricians, electronic technicians and welders and employed by the Authority at its Lewes, Delaware and Cape May, New Jersey facilities voluntarily designated the Marine Engineers’ Beneficial Association (MEBA) to represent them in an election held in 2000 with the first collective bargaining agreement effective January 1, 2002; and

WHEREAS, in 2018, the Authority and MEBA negotiated and executed the most recent Collective Bargaining Agreement (the “Agreement”) which expires on December 31, 2022; and

WHEREAS, the purpose of the Agreement was to promote and maintain a harmonious relationship between the Authority and its employees; and

WHEREAS the Agreement excludes captains, terminal mechanics, painters, dock attendants, cleaners, office clerical employees, food service and gift shop employees, law enforcement employees, managers, supervisors, confidential employees, professional employees, seasonal employees and all other employees; and

WHEREAS, in 2018, the Authority adopted Resolution 18-45 which created a new classification of peak part-time employees and 18-46 which created a new voluntary benefits plan for the peak part-time employees; and

WHEREAS, MEBA filed a grievance alleging that this new classification violated the Collective Bargaining Agreement, the merits of which are disputed by the parties and have not been finally adjudicated; and

WHEREAS, the Authority and MEBA have negotiated a Memorandum of Understanding (MOU) to settle the grievance regarding the classification of certain peak part-time employees; and

WHEREAS, the Authority and MEBA have also negotiated a Side Letter Agreement to amend the Collective Bargaining Agreement which expires on December 31, 2022 and recognize MEBA as the designated collective bargaining representative for peak part-time ordinary seamen and all permanent full-time ferry crew and marine mechanical personnel including pilots, mates, able bodied seamen, ordinary seamen, chief engineers, first assistant engineers, third assistant engineers, QMEDs, oilers, wipers, marine mechanics, assistant mechanics, marine electricians, electronic technicians and welders employed by the DRBA at its Lewes, Delaware and Cape May, New Jersey facilities, excluding captains, terminal mechanics, painters, dock attendants, cleaners, office clerical employees, food service and gift shop employees, law enforcement employees, managers, supervisors, confidential employees, professional employees, seasonal employees and all other employees; and

WHEREAS, the Personnel Committee has reviewed the terms of the Memorandum of Understanding and Side Letter Agreement and has recommended approval thereof by the Commissioners; and

WHEREAS, the provisions of this Memorandum of Understanding and Side Letter Agreement shall become effective on the date provided in these respective documents; and

NOW, THEREFORE, BE IT RESOLVED, that the grievance between the Parties is resolved as outlined in the MOU; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that MEBA is the designated collective bargaining representative for peak part-time ordinary seamen and all permanent full-time ferry crew and marine mechanical personnel currently covered by the Collective Bargaining Agreement; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that with the advice of counsel, the Chairperson, Vice Chairperson and Executive Director are hereby authorized and directed to execute such MOU and Side Letter Agreement as may be necessary to carry out this purpose.

A motion to approve Resolution 20-17 was made by Commissioner Ratchford, seconded by Commissioner Wilson and approved by a roll call vote of 9-0.

Resolution 20-17 Executive Summary Sheet

Resolution: Authorizing Union Recognition of Certain Peak Part-time Personnel and Approval of a Memorandum of Understanding (MOU) and Side Letter Agreement Between the Delaware River and Bay Authority and the Marine Engineers' Beneficial Association (MEBA)

Committee: Personnel Committee

Committee/Board Date:

June 16, 2020

Purpose of Resolution:

To authorize an MOU to resolve a grievance filed by MEBA regarding the classification of peak part-time employees and authorize a Side Letter Agreement to recognize MEBA as the designated collective bargaining representative for peak part-time ordinary seamen and permanent full-time ferry crew and marine mechanical personnel between Delaware River and Bay Authority (the “Authority”) and the Marine Engineers’ Beneficial Association (“MEBA”) memorializing same.

Background for Resolution:

Resolution 18-45 to add the Peak Part-time employee classification and Resolution 18-46 designating a voluntary benefits program for Peak Part-time employees were submitted to and approved by the Personnel Committee and Board of Commissioners on December 18, 2018.

To date, the Authority has hired three (3) Peak Part-time employees as Ordinary Seaman in Marine Operations.

MEBA filed a grievance alleging that the Authority violated the current Collective Bargaining Agreement (CBA) by creating the Peak Part-time position.

While acknowledging the merits of the grievance were in dispute, the Authority and MEBA conducted a mediation to settle the grievance. The parties negotiated an MOU for the settlement of the grievance and a Side Letter Agreement to amend the current Collective Bargaining Agreement containing the following provisions:

1. Recognition of MEBA as the designated bargaining representative of Peak Part-Time ordinary seamen and all permanent full-time ferry crew and marine mechanical employee classifications currently identified in the CBA without the need for a formal Union election.
2. Removal of Article 2.1, which states “The Permanent Part-Time employee classification is abolished for all agreement-covered positions.”
3. Execution of a Side-Letter Agreement identifying other portions of the CBA that are amended to reflect the incorporation of the Peak Part-Time Classification.

- 4. Provisions expire December 31, 2022.
- 5. No change in the wage scale during the term of the current CBA.

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RESOLUTION 20-18 – AUTHORIZING AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND BROWN & CONNERY, LLP TO PROVIDE LABOR AND EMPLOYMENT LEGAL COUNSEL TO SUPPORT THE AUTHORITY’S OBJECTIVES RELATED TO ITS INTERESTS IN THE STATE OF NEW JERSEY

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; and

WHEREAS, the Authority desires to retain the services of a professional legal firm based in the State of New Jersey to serve as its “on-call” counsel for labor and employment legal matters including compliance, labor and employment law and litigation matters related thereto and other matters relating to fulfilling the goals of the Authority; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposals for labor and employment legal counsel in compliance with Resolution 98-31, as amended, which governs the Authority’s procedures for the procurement of professional services; and

WHEREAS, the Authority received five (5) proposals pursuant to the aforementioned public Request for Proposals; and

WHEREAS, a Selection Committee reviewed and evaluated all proposals received, short-listed two (2) proposals for further consideration and conducted in-person interviews at Authority headquarters with those firms; and

WHEREAS, BROWN & CONNERY, LLP was designated as the highest-ranking firm following final evaluation; and

WHEREAS the Authority evaluated the cost of the services proposed by BROWN & CONNERY, LLP and determined the proposed fees to be fair and reasonable; and

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

WHEREAS, the Authority wishes to enter into a Service Agreement (“Agreement”) with BROWN & CONNERY, LLP; and

WHEREAS, such Agreement shall have a base term of three (3) years, following the expiration of which, the Authority shall have the option to extend the Agreement for up to two (2) additional periods of one (1) year each, either such extension period to be authorized by the originating committee with the consent of the Chairperson and Vice Chairperson of the Board of Commissioners; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Service Agreement with BROWN & CONNERY, LLP to provide labor and employment legal counsel services to the Authority and to have such agreement executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 20-18 was made by Commissioner Ratchford, seconded by Commissioner Smith and approved by a roll call vote of 9-0.

Resolution 20–18 Executive Summary Sheet

Resolution: Authorizing the Authority to enter into an agreement with Brown & Connery, LLP to serve as professional “on-call” labor and employment legal counsel representing its interests in the state of New Jersey.

Committee: Personnel Committee

Committee/Board Date: June 16, 2020

Purpose of Resolution:

To authorize an agreement with Brown & Connery, LLP to provide professional “on-call” counsel for labor and employment legal matters including compliance, labor and employment law and litigation matters related thereto and other matters relating to fulfilling the goals of the Authority. Background for Resolution:

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

The Authority received and evaluated proposals submitted by the following five (5) firms, and invited two (2) of those firms¹ to attend an interview/presentation session at the Authority’s headquarters:

Archer & Greiner P.C.¹; Brown & Connery LLP¹; Fisher Phillips LLP; Grace Marmero & Associates LLP; and Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

The Selection Committee conducted interviews with the firms that submitted the highest-ranked proposals and afterward utilized the published final evaluation criteria to establish a final ranked list of firms, with Brown & Connery, LLP being identified as the top-ranked firm following the interview. The Authority then reviewed the firm’s cost proposal, analyzed the fees for the services, and determined them to be fair and reasonable.

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RESOLUTION 20-19 – AUTHORIZING AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND YOUNG CONAWAY STARGATT & TAYLOR LLP TO PROVIDE LABOR AND EMPLOYMENT LEGAL COUNSEL TO SUPPORT THE AUTHORITY’S OBJECTIVES RELATED TO ITS INTERESTS IN THE STATE OF DELAWARE

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; and

WHEREAS, the Authority desires to retain the services of a professional legal firm based in the State of Delaware to serve as its “on-call” counsel for labor and employment legal matters including compliance, labor and employment law and litigation matters related thereto and other matters relating to fulfilling the goals of the Authority; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposals for labor and employment legal counsel in compliance with Resolution 98-31, as amended, which governs the Authority’s procedures for the procurement of professional services; and

WHEREAS, the Authority received five (5) proposals pursuant to the aforementioned public Request for Proposals; and

WHEREAS, a Selection Committee reviewed and evaluated all proposals received, short-listed two (2) proposals for further consideration and conducted in-person interviews at Authority headquarters with those firms; and

WHEREAS, YOUNG CONAWAY STARGATT & TAYLOR LLP was designated as the highest-ranking firm following final evaluation; and

WHEREAS the Authority evaluated the cost of the services proposed by YOUNG CONAWAY STARGATT & TAYLOR LLP and determined the proposed fees to be fair and reasonable; and

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

WHEREAS, the Authority wishes to enter into a Service Agreement (“Agreement”) with YOUNG CONAWAY STARGATT & TAYLOR LLP; and

WHEREAS, such Agreement shall have a base term of three (3) years, following the expiration of which, the Authority shall have the option to extend the Agreement for up to two (2) additional periods of one (1) year each, either such extension period to be authorized by the originating committee with the consent of the Chairperson and Vice Chairperson of the Board of Commissioners; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Service Agreement with YOUNG CONAWAY STARGATT & TAYLOR LLP to provide labor and employment legal counsel services to the Authority and to have such agreement executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 20-19 was made by Commissioner Ratchford, seconded by Commissioner Faust and approved by a roll call vote of 9-0.

Resolution 20–19 Executive Summary Sheet

Resolution: Authorizing the Authority to enter into an agreement with YOUNG CONAWAY STARGATT & TAYLOR LLP to serve as professional “on-call” labor and employment legal counsel representing its interests in the state of Delaware.

Committee: Personnel Committee

Committee/Board Date: June 16, 2020

Background for Resolution:

To authorize an agreement with YOUNG CONAWAY STARGATT & TAYLOR LLP to provide professional “on-call” counsel for labor and employment legal matters including compliance, labor and employment law and litigation matters related thereto and other matters relating to fulfilling the goals of the Authority.

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

The Authority received and evaluated proposals submitted by the following five (5) firms, and invited two (2) of those firms¹ to attend an interview/presentation session at the Authority’s headquarters:

Clark Hill PLC, Connolly Gallagher LLP, Grace Marmero & Associates LLP, Potter Anderson & Corroon LLP¹, and Young Conaway Stargatt & Taylor LLP¹.

A Selection Committee conducted interviews with the firms that submitted the highest-ranked proposals and afterward utilized the published final evaluation criteria to establish a final ranked list of firms, with YOUNG CONAWAY STARGATT & TAYLOR LLP being identified as the top-ranked firm following the interviews. The Authority then reviewed the firm's cost proposal, analyzed the fees for the services, and determined them to be fair and reasonable.

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11660. EXECUTIVE DIRECTOR'S COMMENTS

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

Five days last week DMB traffic was at 80% of transactions from the year before. The CMLF sold out mid-week one day last week and starting today the CMLF vessels started selling food and beverages.

The Executive Director displayed pictures of Verna's Restaurant at the Millville Airport providing outdoor services. The Grain on the Rocks is open and the first night received 91 reservations. Fuel sales are up at the airports. Dr. Salvatore in conjunction with the DRBA offered his location to Lower Township High School for graduation. Colonel Winch retired after 30 years of service. He was a dedicated official, worked well with the Colonel and provided a lot of positive change at the DRBA. Colonel Winch accepted the police chief position with Delaware City Police Department.

Next Board Meeting – Tuesday, July 21, 2020 at 10:00 a.m.

11661. COMMISSIONERS PUBLIC FORUM

Vice-Chairperson Hogan called for comments from the public and the Commissioners.

There were no public comments.

Commissioner Decker commended the Executive Director and staff for financial management during these difficult times. Thanks to their professionalism, the DRBA is surviving. Vice-Chairperson agreed with Commissioner Decker's comment.

There being no further business, Vice-Chairperson Hogan adjourned the meeting at 12:52 p.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Stephen D. Williams
Assistant Secretary