

SOUTH JERSEY PORT CORPORATION



BOARD OF DIRECTORS MEETING AUGUST 27, 2024

THE CHAIRMAN COMMENCES MEETING WITH PLEDGE OF ALLEGIANCE AND ROLL CALL:

1. **APPROVAL OF MINUTES**
Regular Open Meeting July 30, 2024
Closed Session Meeting July 30, 2024
2. **APPROVAL OF OPERATING BILLS**
RESOLUTION 2024-08-0097
3. **APPROVAL OF ADVANCED PAYMENT BILL LIST**
RESOLUTION 2024-08-0098
4. **APPROVAL OF CREDITS**
RESOLUTION 2024-08-0099
5. **APPROVAL OF CHANGE ORDERS (ONE)**

RESOLUTION 2024-08-0100: APPROVAL OF CHANGE ORDER NO. 3 TO KUPEX EXTERIORS FOR THE SHED 1 ROOF REPLACEMENT

RESOLUTION 2024-08-0101: APPROVAL OF CHANGE ORDER NO. 7 TO TRACKS UNLIMITED FOR RAIL REHABILITATION AT BALZANO MARINE TERMINAL

RESOLUTION 2024-08-0102: APPROVAL OF CHANGE ORDER NO. 1 TO PAVING PLUS, LLC FOR ASPHALT SERVICES ON AN AS-NEEDED BASIS 2024



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6. APPROVAL OF CONSTRUCTION FUND REQUISITIONS
RESOLUTION 2024-08-0103
 7. RECEIPT OF TREASURER'S REPORT
 8. RECEIPT OF COUNSEL'S REPORT
 9. RECEIPT OF EXECUTIVE DIRECTOR'S REPORT
 10. ADDITIONAL AGENDA ITEMS REQUIRING BOARD ACTION:

ACTION ITEMS

- A. RESOLUTION 2024-08-0104: APPROVAL TO ADVERTISE A REQUEST FOR BIDS FOR THE CONSTRUCTION OF REPAIRS TO THE CRANE RAIL CONCRETE SUPPORT BEAMS, DRAINAGE, AND OUTER DECK OF BERTH 4 AT THE BALZANO MARINE TERMINAL
- B. RESOLUTION 2024-08-0105: APPROVAL TO ADVERTISE FOR A CONSTRUCTION CONTRACT TO REPLACE THE STAIRS IN THE D BUILDING AT THE BROADWAY MARINE TERMINAL
- C. RESOLUTION 2024-08-0106: APPROVAL TO AWARD A CONTRACT FOR DESIGN SERVICES FOR CONSTRUCTION OF A DRY-VALVE FIRE SPRINKLER SUPPRESSION SYSTEM WITHIN THE DRS VEHICLE MAINTENANCE GARAGE AT THE BALZANO MARINE TERMINAL
- D. RESOLUTION 2024-08-0107: APPROVAL TO AWARD A CONSTRUCTION CONTRACT FOR D BUILDING ELECTRICAL SUBSTATION 480 VOLT REPAIRS AND ON-CALL ELECTRICAL SERVICES AT THE BALZANO AND BROADWAY TERMINALS



- E. RESOLUTION 2024-08-0108: APPROVAL TO AWARD A CONTRACT FOR REPAIRS OF THE SANITARY SEWAGE PUMPING STATION AT BUILDING “B” AT THE BALZANO MARINE TERMINAL**
- F. RESOLUTION 2024-08-0109: APPROVAL TO PUBLICLY ADVERTISE A CONTRACT FOR THE REPAIR / REPLACEMENT OF OVERHEAD AND MAN DOORS AT THE BALZANO AND BROADWAY MARINE TERMINALS**
- G. RESOLUTION 2024-08-0110: APPROVAL OF D&M TRANSPORT SERVICES INC. LEASE RENEWAL**
- H. RESOLUTION 2024-08-0111: APPROVAL OF SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH LOCAL 169, INTERNATIONAL BROTHERHOOD OF TEAMSTERS REQUEST**
- I. RESOLUTION 2024-08-0112: AUTHORIZATION TO RELEASE REQUEST FOR PROPOSALS/QUALIFICATIONS FOR UNDERWRITER SERVICES**
- J. RESOLUTION 2024-08-0113: APPROVAL OF CONSENT TO ASSIGNMENT OF JOINT SITE DEVELOPMENT AGREEMENT BY OCEAN WIND, LLC TO EEW-AOS PAULSBORO URBAN RENEWAL, LLC**

11. SUPPLEMENTAL BOARD INFORMATION:

- K. MARKETING COMMITTEE REPORT & PHOENIX/ARTLIP COMMUNICATIONS REPORT**
- L. PORT SECURITY UPDATE**
- M. PAULSBORO MARINE TERMINAL PROJECT UPDATES**

PUBLIC SESSION FOR QUESTIONS / COMMENTS

12. CLOSED SESSION AND/OR ADJOURNMENT



ACTION ITEM:

A. RESOLUTION 2024-08-0104: APPROVAL TO ADVERTISE A REQUEST FOR BIDS FOR THE CONSTRUCTION OF REPAIRS TO THE CRANE RAIL CONCRETE SUPPORT BEAMS, DRAINAGE, AND OUTER DECK OF BERTH 4 AT THE BALZANO MARINE TERMINAL

REQUEST

Staff is requesting Board approval to issue a publicly advertised request for bids to perform repairs to the top of the concrete crane rails support beams, the drainage structures, and replace the Berth 4 pavement surface at the Balzano Marine Terminal, Camden, NJ.

BACKGROUND

The existing crane rails mounted on the berths are supported on a concrete grade beam foundation, the top surface being exposed to severe wear and tear associated with port equipment traveling across the crane rails during ship loading and unloading operations.

Repairs to the Kocks rail mounted gantry crane in 2023 kept it out of service for an extended period of time, thereby increasing cargo equipment movements along Berth 4 during scrap ship loading operations and accelerating damage to the top of the concrete crane rail beam as well as damaging the berth's surface pavement. This project will repair the damaged concrete and steel reinforcement on the crane support beams, repair drainage inlet structures, and replace the train rail and the pavement surface of the berth in this area.

The drawings and specifications were prepared by On-Board Engineering in accordance with Resolution 2024-04-0061.

RECOMMENDATION:

Staff requests Board approval to publicly advertise for competitive bids to perform repairs to the concrete crane rail support beams, the drainage structures, and replace the Berth 4 bituminous asphalt pavement surface at the Balzano Marine Terminal.



ACTION ITEM:

B. RESOLUTION 2024-08-0105: APPROVAL TO ADVERTISE FOR A CONSTRUCTION CONTRACT TO REPLACE THE STAIRS IN THE D BUILDING AT THE BROADWAY MARINE TERMINAL

REQUEST

Staff is requesting Board Approval to advertise for competitive bids for a construction contract to replace the stairs in the D Building at the Broadway Marine Terminal.

BACKGROUND

The D Building at Broadway Marine Terminal is part of the original New York Shipyard originally built circa 1900. There is a set of wooden stairs rising from the center of the building up to the “Mold Loft”. In addition to their age, these stairs have been damaged and repaired by SJPC maintenance personnel within the past 10 years.

Normally, there is no reason to access the Mold Loft, however, two projects, the fire sprinkler systems replacement and the upcoming roofing replacement, will benefit by having these stairs replaced in order to provide access for contractor and port employees, and building code inspectors during construction of those projects.

The drawings and specifications were prepared by On-Board Engineering of East Windsor, New Jersey in accordance with Board Resolution 2024-03-0046.

RECOMMENDATION:

Staff requests Board Approval Board Approval to advertise for competitive bids for a construction contract to replace the stairs in the D Building at the Broadway Marine Terminal.



ACTION ITEM:

C. RESOLUTION 2024-08-0106: APPROVAL TO AWARD A CONTRACT FOR DESIGN SERVICES FOR CONSTRUCTION OF A DRY-VALVE FIRE SPRINKLER SUPPRESSION SYSTEM WITHIN THE DRS VEHICLE MAINTENANCE GARAGE AT THE BALZANO MARINE TERMINAL

REQUEST

Staff is requesting Board approval to award a Design Services Contract to Remington and Vernick Engineers to perform design services for the construction of a fire sprinkler suppression system in the DRS Garage at the Balzano Marine Terminal in Camden, NJ.

BACKGROUND

The DRS Garage building is a 9,000 square feet garage structure leased by our stevedore to perform maintenance on its fleet of yard handling equipment and other vehicles.

The building was recently purchased by the SJPC from the City of Camden (2019) and is not outfitted with a fire sprinkler suppression system. Because all port owned buildings are subject to the NJ DCA Bureau of Fire Safety for conformance to the applicable building and regulatory codes, installation of a fire sprinkler suppression system is necessary.

An RFP was sent to the prequalified list of civil engineers (all 25 firms) on July 11th. The Prebid walkthrough was conducted on July 19th. Three firms attended. Three proposals were received on August 9th. Two were complete and met the requirements of the RFP.

Bidder Name and Address	Fee Amount
Remington and Vernick, Cherry Hill, NJ	\$ 61,915
Pennoni, Haddon Heights, NJ	\$ 79,500

RECOMMENDATION:

Staff recommends and requests Board approval to issue a professional services contract to Remington & Vernick Engineers of Cherry Hill, NJ, for the design of a dry-valve fire sprinkler suppression system within the DRS vehicle maintenance garage at the Balzano Marine Terminal in their proposed fee amount of \$61,915.00.



ACTION ITEM:

D. RESOLUTION 2024-08-0107: APPROVAL TO AWARD A CONSTRUCTION CONTRACT FOR D BUILDING ELECTRICAL SUBSTATION 480 VOLT REPAIRS AND ON-CALL ELECTRICAL SERVICES AT THE BALZANO AND BROADWAY TERMINALS

REQUEST

Staff is requesting Board Authorization to Award a construction contract for the removal and replacement of the 480-volt AC distribution switchgear in the “D” Building Substation at the Broadway Marine Terminal, and to perform inspections, preventative maintenance, emergency repairs, and other related services on the electrical distribution systems at the Balzano and Broadway Marine Terminals.

Pursuant to Board Resolution 2024-01-0007, drawings and specifications were prepared, posted on the website, and advertised in three newspapers. In addition, notice of the opportunity was sent directly to sixteen electrical contracting firms. The pre-bid walkthrough was held on July 18, 2024, with nine (9) firms attending. Two Addenda were issued. Bids were received and publicly opened on August 8, 2024.

Six submissions were received with only two bids fulfilling all the requirements of the RFQ as follows:

BIDDER NAME	BID AMOUNT
LEE-WAY ELECTRIC, Landisville, NJ	\$498,000
BRYAN ELECTRIC, Hamilton Township, NJ	\$733,500

As stipulated within the RFQ, the total bid provides for and includes a \$100,000 allowance for inspections, preventative maintenance, and emergency repairs on an on-call basis for a one-year period, with options to renew for an additional two (2) one-year periods based on available funding, at the Balzano or Broadway Terminals.

RECOMMENDATION:

Staff is therefore requesting Board Authorization to award this contract to the lowest qualified bidder, Lee-Way Electric of Landisville, New Jersey, in the total Bid amount of \$498,000.00.



ACTION ITEM:

E. RESOLUTION 2024-08-0108: APPROVAL TO AWARD A CONTRACT FOR REPAIRS OF THE SANITARY SEWAGE PUMPING STATION AT BUILDING “B” AT THE BALZANO MARINE TERMINAL

REQUEST

Staff are requesting Board Authorization to award a contract to repair the sanitary sewage pumping station at Building B at the Balzano Marine Terminal.

BACKGROUND

All of the bathrooms, kitchens, and sinks within the B Building at the Balzano Marine Terminal are served by one duplex sanitary sewage pumping station in the ground floor of the building. Over forty Local 18 and Local 1040 employees routinely utilize these facilities as their break room, showers, and lockers are in the building.

Over the past three years, these pumps have burned out and been replaced numerous times. There are also costs incurred for an outside contractor to come and evacuate the pump pit each time. In June, staff determined that they could not repair the existing station again and the bathroom facilities are now out of service.

This pump station, along with the other 10 grinder type sanitary sewage pump stations at the two Camden terminals, was installed in 1987.

Staff advanced this project in an expedited manner by issuing a request for competitive bids. The scope of the work is to supply and install new replacement pumps and motors, motor controller, check valves, an air relief valve, and all associated plumbing and electrical work.

The project was advertised in three newspapers and posted on the website. Four qualified local firms were notified of the bid opportunity. A pre-bid site visit was held on August 6 with three firms attending. Bids were opened on August 20, 2024. _____ bids were received:

Firm Name	Bid Amount
	\$ -
	\$ -
	\$ -

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RECOMMENDATION:

Staff is requesting award of a contract to furnish and install the specified sanitary pumping station equipment in the B Building at the Balzano Marine Terminal to the low bidder, _____ from _____, NJ, in the lump sum bid amount of \$ _____.



ACTION ITEM:

F. RESOLUTION 2024-08-0109: APPROVAL TO PUBLICLY ADVERTISE A CONTRACT FOR THE REPAIR / REPLACEMENT OF OVERHEAD AND MAN DOORS AT THE BALZANO AND BROADWAY MARINE TERMINALS

REQUEST

Staff are requesting Board Authorization to publicly advertise for a contract to repair and/or replace overhead and man doors at the Balzano and Broadway Marine Terminals.

BACKGROUND

Between the two Camden terminals, there are some 75 overhead doors, and numerous man doors to the cargo warehouse buildings. There is a constant need to repair and replace these roll-up overhead doors and man doors.

Earlier this year our facilities were visited by OSHA inspectors who informed us that these doors also fulfill a means of egress function which must be maintained while the buildings are in use. Therefore, in addition to protecting cargo from the elements, they also have a life safety function.

The scope of the work is to repair and replace doors on an on-call basis, with a budget of \$300,000. The contract would be for one year, with the option for two one-year extensions.

RECOMMENDATION:

Staff is requesting Board Authorization to publicly advertise for a contract to repair and/or replace overhead and man doors at the Balzano and Broadway Marine Terminals.



ACTION ITEM:

G. RESOLUTION 2024-08-0110: APPROVAL OF D&M TRANSPORT SERVICES INC. LEASE RENEWAL

REQUEST

Staff is requesting Board approval to renew the lease with D&M Transport Services, Inc. (“D&M”) in Building I at Broadway Terminal.

BACKGROUND

D&M is a trucking company that provides services to customers importing through SJPC’s Camden terminals. D&M leases approximately 1,536 square feet on the 2nd floor of Building I at Broadway Terminal. Their 5-year lease expires September 30, 2024.

Key Lease Renewal Terms

- Five-year term for approximately 1,536 square feet on the 2nd floor of Building I, commencing October 1, 2024 and expiring September 30, 2029
- \$19,819.00 annual rental in Year 1 (\$12.90 per square foot per year)
- Annual increase @ CPI
- 90 - day mutual termination provision

RECOMMENDATION:

Staff is therefore requesting Board approval to renew the lease with D&M Transport Services, Inc. (“D&M”) in Building I at Broadway Terminal, for a five - year term, commencing October 1, 2024, and expiring September 30, 2029.



ACTION ITEM:

H. RESOLUTION 2024-08-0111: APPROVAL OF SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH LOCAL 169, INTERNATIONAL BROTHERHOOD OF TEAMSTERS REQUEST

REQUEST

Staff is requesting Board approval for the South Jersey Port Corporation (hereinafter “SJPC”) to enter into a successor collective bargaining agreement negotiated with Local 169, International Brotherhood of Teamsters (hereinafter “Local 169”) retroactive to and effective July 1, 2023, for a four (4) year term ending June 30, 2027.

BACKGROUND

SJPC and Local 169 have been negotiating a successor collective bargaining agreement since on or about May 2023. Local 169 is the sole and exclusive collective bargaining agency for all hourly paid employees, including but not limited to, guards, whether these individuals are full-time or part-time, but excluding laborers, equipment operators, temporary equipment operators, checker operators, equipment operator/checkers, receiving and delivery clerks, chief crane operators, crane operators, utility crane operators, trainee crane operators, chief mechanics, mechanics-automotive, mechanics-maintenance repairmen, and mechanic helpers, supervisors, professional employees, timekeepers, and office clerical employees. SJPC’s collective bargaining agreement with Local 169 expired on June 30, 2023. Based upon on-going collective negotiations since the said agreement expired, Local 169 and SJPC now have ready for consideration by the Board, and Local 169’s membership, a proposed successor agreement to the since expired one. The said proposed successor agreement however requires, and is conditioned and contingent upon, both Board approval, and ratification by Local 169’s membership. SJPC has been advised that Local 169 membership ratified the current proposal for a successor collective bargaining agreement on July 17, 2024; so that only the Board’s approval remains.

The current proposal for a successor collective bargaining agreement with Local 169 has been vetted through the Governor’s Authorities Unit and SJPC’s counsel; and, ratified by the Local 169 membership. The said current proposal was presented in closed session today for the Board’s consideration. The significant revisions and modifications to the proposed successor agreement, as compared to the now expired agreement, were reviewed and summarized for the Board in closed session. Accordingly, the Board’s approval of the proposed successor collective bargaining agreement with Local 169 is required for the said agreement to become effective retroactive to July 1, 2023, for the new four-year term ending June 30, 2027. Staff requests approval from the Board of the

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successor agreement in the form as provided to the Board, and as presented and summarized for the Board in closed session.

RECOMMENDATION:

Staff is recommending Board approval in open session for the SJPC to enter into the successor collective bargaining agreement negotiated with Local 169, retroactive to and effective July 1, 2023, for a four (4) year term ending June 30, 2027, in the form as presented and considered in closed session today by the Board.



ACTION ITEM:

I. RESOLUTION 2024-08-0112: AUTHORIZATION TO RELEASE REQUEST FOR PROPOSALS/QUALIFICATIONS FOR UNDERWRITER SERVICES

SJPC has an opportunity to realize debt service savings (currently estimated at \$3 million in present value) through the issuance of Marine Terminal Revenue Refunding Bonds to advance refund the callable portions of its Series 2007 N, Series 2009 0-1, and Series 2009 0-2 Bonds. The savings may be realized over time, "front-loaded", or (subject to State approval) in the form of new money for capital projects at the Port.

Given the SJPC credit rating and the complex nature of an advance-refunding bond issue, the Corporation's Financial Advisor and the State Treasurer's office believe that savings can be maximized through a negotiated sale with a designated underwriter(s). After discussions with the State, it has been recommended that the SJPC should solicit competitive proposals for underwriting services through a RFP/Q process. Proposals will be evaluated based on proposed cost (fee), relevant experience, commitment to New Jersey (at State and local levels), and other factors as may be deemed important. All of the usual required filings and disclosures will be included in the RFP/Q.

Responses will be reviewed by the SJPC's Treasurer, Financial Advisor and Corporation Counsel, and any recommendation(s) shall be made in consultation with the State Treasurer's office. At future meetings, the Board will be asked to vote on the selection of an underwriter(s), as well as to adopt a Supplemental Bond Resolution authorizing the issuance of the bonds.

RECOMMENDATION:

Staff recommends Board authorization to release a Request for Proposals for Underwriter Services.



ACTION ITEM:

J. RESOLUTION 2024-08-0113: APPROVAL OF CONSENT TO ASSIGNMENT OF JOINT SITE DEVELOPMENT AGREEMENT BY OCEAN WIND, LLC TO EEW-AOS PAULSBORO URBAN RENEWAL, LLC

REQUEST

Staff is requesting Board approval to authorize SJPC’s Executive Director and CEO to execute a Consent to Assignment Agreement (hereinafter the “Consent”) that imparts SJPC’s written consent to and for that certain Assignment and Assumption Agreement between Ocean Wind, LLC (“OWL”) and EEW-AOS Paulsboro Urban Renewal, LLC (“EEW-AOS”) providing for OWL’s assignment of all its right, title and interest in, to and under Joint Site Development Agreement – Paulsboro, New Jersey, dated April 29, 2021 (hereafter the “JSDA”) to EEW-AOS (the “Assignment Agreement”), subject to SJPC’s legal counsel’s review and final approval.

BACKGROUND

At the February 23, 2021, Board meeting, the Board approved SJPC’s entry into the JSDA, which was a multiparty agreement that included the SJPC, the Gloucester County Improvement Authority (“GCIA”), EEW American Offshore Wind Structures, Inc. n/k/a EEW-AOS Paulsboro Urban Renewal, LLC (“EEW”), and OWL. The JSDA provided for the establishment of a budget and sources of funds (financing) to facilitate the construction of a monopile manufacturing processing facility to support the offshore wind energy industry at the Paulsboro Marine Terminal (“PMT”). The JSDA further provided for the development of the monopile manufacturing facility itself on a portion of the PMT site, to include construction activities consisting of the land improvements and the in-water improvements. The JSDA was entered into by all the parties, and effective, on April 29, 2021.

OWL has made the decision to no longer pursue offshore wind energy projects that it is involved with off the coast of New Jersey, and along the entire eastern seaboard. As such, OWL has entered into a Construction Loan Purchase and Sale Agreement with EEW-AOS for the assignment/sale by OWL of call those certain loan rights and obligations related to the PMT that OWL is responsible for to EEW-AOS (hereinafter the “Purchase Agreement”). It is a condition to the closing of the sale and assignment transaction contemplated by the Purchase Agreement, and a part of the consideration provided by EEW-AOS thereunder, that OWL and EEW-AOS enter into the Assignment Agreement. However, for

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the Assignment Agreement to be effective, all the other parties to the JSDA must each give their written consent thereto pursuant to Section 20, paragraph 20.1 of the JSDA. Accordingly, OWL and EEW-AOS have now sought the said required written consent of and from the SJPC and GCIA in order that the Assignment Agreement will be effective, which will in turn allow for OWL and EEW-AOS to move forward with the transaction and closing contemplated under and in their Purchase Agreement.

SJPC's, as well as the other parties to the JSDA's, consent to the Assignment Agreement will allow for, and ensure, that the financing and construction provided for therein as it regards the PMT, and its role in supporting the offshore wind energy industry, will continue forward, and be completed.

RECOMMENDATION:

Staff recommends Board approval to authorize SJPC's Executive Director and CEO to execute the Consent that imparts SJPC's written consent to and for that certain Assignment Agreement between OWL and EEW-AOS providing for OWL's assignment of all its right, title and interest in, to and under the JSDA to EEW-AOS, subject to SJPC's legal counsel's review and final approval.



INFORMATION ITEM:

**K. MARKETING COMMITTEE REPORT &
PHOENIX/ARTLIP COMMUNICATIONS REPORT**



INFORMATION ITEM:

L. SECURITY UPDATE:



INFORMATION ITEM:

M. PAULSBORO MARINE TERMINAL PROJECT UPDATES

The Paulsboro Marine Terminal Project updates are provided by the Gloucester County Improvement Authority.



MATTERS INVOLVING LITIGATION, PERSONNEL MATTERS & SPECIAL MATTERS

The subject matter is covered by one or more of the following legal exemptions:

- Matters made confidential by state, federal law or rule by court.
 - Disclosure would result in an unwarranted invasion of individual privacy, unless the person affected consents in writing.
 - Disclosure would impair the body's right to receive federal or state funds.
 - Collective bargaining.
 - Lease or acquisition of property, setting of banking rates, investment of public funds if disclosure would harm the public interest.
 - Investigations into violations of law.
 - Strategies to protect public security.
 - Pending, ongoing or anticipated litigation or contract negotiation, including attorney-client privilege. The threat of litigation must be more than theoretical for this exemption to apply.
 - Personnel matters affecting employees of the public bodies, unless all parties request or consent to a public hearing. Prior to discussion of personnel, affected employees must be given notice, known as a Rice notice, which gives the employee the right to request a public hearing.
 - Proceedings that could result in a suspension, civil penalty, or loss of a license or permit.
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1. COUNSEL'S REPORT