

10047. RESOLUTION 09-52 – AMENDS RESOLUTION 98-31 BY REDUCING THE PUBLIC ADVERTISING REQUIREMENT FOR ALL PUBLIC PROCUREMENT FROM TWO (2) CONSECUTIVE WEEKS TO ONE ADVERTISEMENT AND CODIFIES THE PRACTICE OF POSTING PUBLIC PROCUREMENT OPPORTUNITIES ON THE AUTHORITY WEBSITE

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority created by Compact for the purpose of owning, operating and controlling both Crossing and Non-Crossing facilities in the states of Delaware and New Jersey; and

WHEREAS, the Authority adopted Resolution 98-31 entitled Procedure for Procurement of Professional Services, Materiel and Supplies, Construction and Construction Management Contracts and Transfer of Funds at the September 15, 1998 meeting of the Board of Commissioners; and

WHEREAS, the Authority reviews its procurement practices from time to time; and

WHEREAS, the Authority desires to amend Resolution 98-31 by replacing Sections 1a. and 2a. in their entirety; and

NOW, THEREFORE, BE IT RESOLVED, that Resolution 98-31 is hereby amended by deleting Section 1a. in its entirety and replacing it with the following language:

1. a. Any professional service contract awarded to any person, partnership, corporation, company, association or similar entity or any affiliate thereof which individually exceeds \$50,000 shall be publicly announced, not less than one time in one newspaper of general circulation in each of the States of Delaware and New Jersey, and on the Authority website, on each occasion when such professional services are required and each such announcement shall include (i) the project identification, (ii) general description and scope of the project, (iii) location, (iv) deadline for submissions of brief letters of interest and (v) criteria for selection including any special criteria required for any particular project, and shall indicate how interested parties can apply for consideration. For projects of an unusual or complex nature, a list of qualified bidders may also be prepared by the Authority and these persons given notice of the Project by the Authority.

NOW, THEREFORE, BE IT ALSO RESOLVED, that Resolution 98-31 is hereby amended by deleting Section 2a. in its entirety and replacing it with the following language:

2. a. Any contract for the purchase of materiel and supplies and non-professional services for the Authority with any person, partnership, corporation, company, association or similar entity or any affiliate thereof 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. The advertisement for such bids shall be published at least one time in one newspaper of general circulation in each of the States of

Delaware and New Jersey and shall be posted on the Authority website. The advertisement shall indicate the character, quantity and location of the work or the character and quantity of materiel, the time and place where the plans and specifications or descriptions may be obtained and where proposals are to be received. This provision shall not apply to purchases by the Authority from suppliers in cases where the Authority is purchasing at prices competitively bid by the States of Delaware or New Jersey for state agencies. "Materiel" means materials, equipment, tools, supplies, or any other personal property, but does not include real property, or electric, gas, water, telephone, or similar utilities.

A motion to approve Resolution 09-52 was made by Commissioner Van Sant, seconded by Commissioner Lowe, and approved by a roll vote of ~~11-0~~ 10-1 with Commissioner Smith voting No [as corrected in the October 20, 2009 Minutes].