

**10436. RESOLUTION 11-36 – AMENDS RESOLUTION 98-31, AS AMENDED BY RESOLUTION 09-52, TO ACCOUNT FOR CHANGES IN THE PROCUREMENT PROCEDURES OF THE STATES OF DELAWARE AND NEW JERSEY FOR THE PROCUREMENT OF MATERIEL, SUPPLIES AND NON-PROFESSIONAL SERVICES.**

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 Resolution 09-52 which modified the advertising requirements of 98-31; and

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

WHEREAS, the Authority strives to procure its materiel, supplies and non-professional services pursuant to best governmental practices and in the most economical manner; and

WHEREAS, Section 2a. of Resolution 98-31, as amended by Resolution 09-52, provides that the Authority may utilize state contracts that are competitively bid by the States of Delaware or New Jersey for state agencies to procure materiel, supplies and non-professional services; and

WHEREAS, in an effort to secure the best pricing and terms both the State of Delaware and the State of New Jersey increasingly pool their procurement requirements with other states, participate in purchasing cooperatives and piggy back on existing publicly bid contracts for state and governmental entities which they may or may not individually publicly advertise, bid and award; and

WHEREAS, the Authority desires to amend Resolution 98-31, as amended by Resolution 09-52, to account for these changes in procurement practices by the States of Delaware and New Jersey to maintain the ability to utilize such contracts to secure the best possible pricing and terms for Authority purchases by replacing Section 2a. in its entirety.

NOW, THEREFORE, BE RESOLVED, that Resolution 98-31, as amended by Resolution 09-52, 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 pursuant to contracts awarded 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 11-36 was made by Commissioner Downes, seconded by Commissioner Green, and approved by a roll call vote of 9-0.

## **Resolution 11-36 Executive Summary Sheet**

**Resolution:** Amending Resolution 98-31, as amended by Resolution 09-52, to account for changes in the procurement procedures of the States of Delaware and New Jersey for the procurement of materiel, supplies and non-professional services.

**Committee:** Budget & Finance

**Committee/Commission Date:**

September 20, 2011

**Purpose of Resolution:**

The Authority desires to amend Resolution 98-31, as amended by Resolution 09-52, to account for changes in procurement practices by the States of Delaware and New Jersey to maintain the ability to utilize such state contracts to secure the best possible pricing and terms for Authority purchases.

**Background for Resolution:**

Resolution 98-31, as currently adopted, allows the Authority to utilize contracts that have been competitively bid by the States of Delaware and/or New Jersey for use by state agencies in order to secure the best possible pricing and terms for Authority purchases.

In an effort to leverage state requirements both states are increasingly pooling their procurement requirements with other states, participating in purchasing cooperatives and piggy backing on existing publicly bid contracts for state and governmental entities, which they may or may not individually publicly advertise, bid and award.

This resolution would maintain the Authority's ability to continue to utilize state contracts to secure the best prices and terms for Authority purchases regardless of whether the states competitively bid the requirements themselves or utilized another procurement method in establishing the state contract pricing.