

**RESOLUTION 22-02 – AUTHORIZING THE AUTHORITY TO PURSUE A CM/GC (CONSTRUCTION MANAGER/GENERAL CONTRACTOR) APPROACH FOR THE SHIP COLLISION PROTECTION SYSTEM PROJECT AT THE DELAWARE MEMORIAL BRIDGE.**

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’s Capital Improvement Program (“CIP”) includes a Ship Collision Protection System (“SCPS”) project that is designed to protect the Delaware Memorial Bridge from collisions by wayward vessels in the Delaware River; and

WHEREAS, the Authority has received federal grant funding from the United States Maritime Administration (“MARAD”), in the amount of \$22,250,000, to assist in that project’s design and construction; and

WHEREAS, the statutory expiration date of federal grant funding from MARAD for the SCPS is September 30, 2025; and

WHEREAS, it is estimated that construction of the SCPS will take three to four years; and

WHEREAS, the Authority recently opened construction bids on the SCPS, and the low bid received was \$115,989,244.05; and

WHEREAS, the low bid amount exceeds the funding proposed in the Authority’s 2022 CIP and 5-Year Plan for the SCPS by more than \$25,000,000; and

WHEREAS, the Authority desires to pursue a more cost-effective approach to protecting the Delaware Memorial Bridge from vessel collisions, as well as retain maximum access to the federal grant that has been received; and

WHEREAS, MARAD’s grant conditions allow for a non-traditional contracting method known as CM/GC (Construction Manager/General Contractor).

THEREFORE BE IT RESOLVED, that, notwithstanding the provisions of Resolution 98-31, the Executive Director is hereby authorized to conduct a publicly advertised professional services solicitation for Construction Manager/General Contractor services to the Authority, in accordance with all relevant federal grant conditions, and to have the Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director. The Executive Director is further authorized, as part of the Construction Manager/General Contractor method, to approve conversion of the Construction Manager to General Contractor with the further advice and consent of Counsel and the further approval of the Chairperson and Vice-Chairperson.

## **Resolution 22-02 Executive Summary Sheet**

**Resolution:** Authorizing the Authority to pursue a CM/GC (Construction Manager/General Contractor) approach for the Ship Collision Protection System project at the Delaware Memorial Bridge.

**Committee:** Projects Committee

**Committee/**

**Board Date:** January 19, 2022

### **Purpose of Resolution:**

To authorize a Construction Manager/General Contractor method to build the Ship Collision Protection System at the Delaware Memorial Bridge.

### **Background for Resolution:**

The Authority's Capital Improvement Program includes a Ship Collision Protection System project that is designed to protect the Delaware Memorial Bridge from collisions by wayward vessels in the Delaware River. The Authority has received federal grant funding from the United States Maritime Administration in the amount of \$22,250,000 to assist in that project's design and construction. It is estimated that construction of the SCPS will take three to four years; however, the statutory expiration date of the MARAD grant funding is September 30, 2025. The Authority recently opened construction bids on the SCPS, and the low bid received was \$115,989,244.05. Even the low bid amount exceeds the funding proposed in the Authority's 2022 CIP and 5-Year Plan for the SCPS by more than \$25,000,000.

The Authority desires to pursue a more cost-effective approach to protecting the Delaware Memorial Bridge from vessel collisions, while at the same time, retain maximum access to the federal grant that has been received. MARAD's regulations allow for a non-traditional contracting approach known as CM/GC (Construction Manager/General Contractor). However, a CM/GC approach is not contemplated under the terms of Board Resolution 98-31.

This resolution therefore authorizes the Executive Director to conduct a publicly advertised professional services solicitation for Construction Manager/General Contractor services, in accordance with all relevant federal grant conditions, and to have the Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

If the consulting engineer and Construction Manager, working in concert, are able to formulate a plan that will 1) complete the project no later than September 30, 2025, and 2) significantly reduce the construction costs below the current low bid amount, while 3) maintaining the current regulatory standard of protection, the Executive Director may then designate the Construction Manager as the General Contractor at the indicated price, with the advice and consent of Counsel and approval of the Chairperson and Vice-Chairperson.