

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD TELECONFERENCE MEETING
WEDNESDAY, APRIL 7, 2021 AT 9:00 A.M.**

1. NOTICE OF PUBLIC MEETING

2. ROLL CALL

3. APPROVAL OF MEETING MINUTES

- a. Board Open Session Meeting Minutes of March 3, 2021
- b. Board Executive Session Meeting Minutes of March 3, 2021

4. AUTHORITY MATTERS

- a. CEO Report
- b. Chairman's Report

5. REPORT AND RECOMMENDATIONS OF THE AUDIT COMMITTEE (CHAIRMAN'S REPORT)

- a. Approval of Contract Extensions - Furniture, Fixtures and Equipment - GP-0251-F01

6. REPORT AND RECOMMENDATIONS OF THE SCHOOL REVIEW COMMITTEE (CHAIRMAN'S REPORT)

- a. Release of Funds from Program Reserve, Award of Contract, and Approval of the Final Project Charter - Newark Public School District – Ivy Hill Elementary School Emergent Project – Boiler Room Vault Repairs
- b. Release of Funds from Program Reserve, Award of Contract, and Approval of the Final Project Charter - Newark Public School District – Roberto Clemente Elementary School Emergent Project – Sub-Basement Water Infiltration
- c. Adoption of New Rules: Procedures for Compliance with Alyssa's Law, N.J.A.C. 19:32A

7. MONTHLY REPORTS

- a. *For Informational Purposes*
 - i. Active Projects Report
 - ii. Project Close Out Status Report
 - iii. Project Status Reports
 - iv. Contracts Executed Report/Amendments & Change Orders Executed Report
 - v. Contract Terminations Report (*no activity*)
 - vi. Settlement Activities Report (*no activity*)
 - vii. Diversity and Workforce Participation Report
 - viii. Regular Operating District Grant Activity Report
 - ix. Notification of Amendments to Goods and Services Contracts Not Exceeding \$100,000 or 10% of the Contract Value (*no activity*)
 - x. Communications Report (*no report*)
 - xi. Monthly Financial Report
 - xii. Design Contract De-Obligations Report (*no activity*)

8. PUBLIC COMMENTS

9. NO EXECUTIVE SESSION

- a. Litigation/Contract Matter(s) – OPMA Exemption N.J.S.A. 10:4-12b (7)
CCD Report (*no activity*)

10. ADJOURNMENT

APPROVAL OF MEETING MINUTES

MARCH 3, 2021 OPEN SESSION MINUTES

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS TELECONFERENCE MEETING
WEDNESDAY, MARCH 3, 2021**

A teleconference meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, March 3, 2021 at 9:00 A.M.

Participating by teleconference were:

Robert Nixon, Chairman
Michael Kanef (Treasury)
Bernard Piaia (DOE)
David Nuse (EDA)
Kevin Luckie (DCA)
Richard Elbert
Loren Lemelle
Lester Lewis-Powder
Michael Maloney
Mario Vargas

being a quorum of the Board.

At the Chairman's request, Manuel Da Silva, chief executive officer; Andrew Yosha, vice president; Jane F. Kelly, vice president and assistant secretary; Donald Guarriello, vice president and chief financial officer; and Albert Barnes, chief counsel, of the SDA, participated in the meeting by teleconference. Joy Johnson of the Governor's Authorities Unit (GAU) also participated in the meeting by teleconference.

The meeting was called to order by the Chairman of the Board, Mr. Nixon. The Chairman then asked Ms. Kelly to read the requisite notice of the meeting. Ms. Kelly announced that the meeting notice had been sent to the *Trenton Times* and *Star-Ledger* at least 48 hours prior to the

meeting. She said that a call-in number was provided on the SDA Website so that members of the public could participate in the meeting by teleconference. She also advised the Members that the call-in number for the meeting was posted at the SDA offices earlier in the morning. Ms. Kelly then conducted a roll call and indicated that a quorum of the Board Members were present.

Approval of Meeting Minutes

The Chairman presented for consideration and approval the minutes of the Board's February 3, 2021 Open Session meeting. A copy of the meeting minutes and a resolution had been provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Vargas and seconded by Mr. Luckie, the Open Session minutes of the February 3, 2021 SDA Board meeting were approved by the Board with the Members' unanimous vote in favor of the resolution attached hereto as ***Resolution 3a***.

Next, Mr. Nixon presented for consideration and approval the minutes of the Board's February 3, 2021 Executive Session meeting. A copy of the meeting minutes and a resolution had been provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Vargas and seconded by Ms. Lemelle, the Executive Session minutes of the February 3, 2021 SDA Board meeting were approved by the Board with the Members' unanimous vote in favor of the resolution attached hereto as ***Resolution 3b***.

Authority Matters

CEO Report

The Chairman then asked Mr. Da Silva for the Report of the CEO. Mr. Da Silva began his report with an update on design-build projects in the design phase. He said that the design-builder, Epic Management, has responded to the Department of Community Affairs' (DCA)

comments on design package 1 for work including foundations for the Plainfield Woodland ES project.

Turning to design-build projects in construction, Mr. Da Silva reported that for the Paterson Union Avenue MS project, permanent power to the building is scheduled to be energized this month. He advised that, interior mechanical, electrical, and plumbing finish work is underway for the Camden HS project. Mr. Da Silva said that Phase III interior mechanical finish work is underway for the Millville HS project. He also advised that the building is weather tight and temporary heat is allowing all finish work on the upper floors to continue through the winter months on the Passaic Dayton Avenue Educational Campus project. Mr. Da Silva then reported that ceiling installation work has also started there in the corridors and in all classrooms on floors 3 and 4. He said that this work is expected to begin on the 2nd floor this month and exterior finish work is ongoing as weather allows.

In continuing, Mr. Da Silva said that for the Perth Amboy HS project, test piles work has commenced and work on production piles is expected to begin later in the month. He noted that utility relocation work is expected to start this month as well.

Next, Mr. Da Silva gave an update on design-bid-build projects in the construction stage. He said that footings and foundations activities began last month on the Keansburg Port Monmouth Road School project. For the Orange Cleveland Street ES project, he reported that asbestos abatement within the existing building is complete, and Phase 2 renovation work in the existing building is in progress. With respect to the Orange HS project, he advised that masonry work for the addition is complete.

Finally, Mr. Da Silva said that he would like to address a situation that has arisen involving property SDA owns located adjacent to the Julia Barnes School in Jersey City. He explained that, in 2009, the Authority entered into a Use & Occupancy agreement with the Jersey

City School District which allowed the District to use the property for two purposes only--for parking and for children's recreational space. He said that the agreement also required that use of the space would remain under District control and not be sublet or assigned to another party for use.

Mr. Da Silva advised the Members that, in December 2020, SDA inspections confirmed that the property was being used by a third party in violation of the SDA's agreement with the District. He said that this was also evidenced by signage posted on the property fencing. Mr. Da Silva said that SDA also became aware that the property was being used for religious events, and for other purposes including food distribution, clothing drives, flea markets and the like.

In continuing, Mr. Da Silva said that SDA repeatedly attempted to contact the Superintendent by phone to discuss these concerns but did not receive a response. So, on January 20, 2021 he wrote to the Superintendent and gave the District an opportunity to address the violations. He said that the District eventually removed the signage and a portable toilet that was on the property, although after expiration of the cure period, but it is the Authority's understanding that the property continued to be used in violation of the agreement. He said that, ultimately, he wrote to the Superintendent again on February 19, 2021 and notified the District that SDA was terminating the 2009 agreement.

Mr. Da Silva stressed that, at every step of the way, SDA emphasized to the District that the Authority was very willing to discuss the future use of the property. He said that the Authority is not opposed but is, in fact, very pleased when properties it owns can be put to good use for the benefit of the public. He reminded the Board that SDA has approved community gardens, food distributions and other events on several Authority properties across the state. He emphasized, however, that in every case, these events were done legally, with the proper paperwork and insurance in place and with SDA's full knowledge and consent.

The CEO said that this past Friday February 26, he received a phone call from Jersey City Deputy Superintendent Fernandez who has indicated that the District's attorney will be reaching out to the Authority to begin discussions regarding the potential future use of the property by the District.

He said that there may be members of the public on the call today who will urge SDA to authorize the use of this property in Jersey City for a community garden and other purposes. He said that the Authority greatly appreciates their interest and said that, at this point, the community should be gratified that the District has now made outreach to the Authority to begin the necessary discussions. He said that SDA looks forward to engaging in discussions with the District but emphasized that any future use of this property must be in complete conformance with the law and with any future agreement that SDA might ultimately reach with the District.

The Chairman then asked Mr. Da Silva to discuss the Governor's inclusion of funding for school construction in the proposed State budget. Mr. Da Silva said that the Governor's budget, as proposed, would allocate \$200 million towards SDA's current portfolio of projects. He said that normally the SDA would bond \$300 million to \$400 million but that this year the state is only pursuing \$150 million in bonding. He said that as proposed, the remainder would be provided as part of budgetary appropriations in the amount of \$200 million. He added that the budget must still go before the Legislature for approval. He said that the Governor has also proposed an appropriation of \$75 million to be used for emergent and facilities maintenance projects across districts in New Jersey. He added that this funding would require legislative approval as well.

Audit Committee

Mr. Nixon, as Audit Committee Chairman, reported that the Audit Committee met on February 16, 2021 at which time management provided the Committee with the January 2021

New Funding Allocation and Capital Plan Update. He said that staff informed the Committee that there were no changes in any of SDA District Reserve balances during the reporting period.

He then advised the Board that the reserve balance for the Regular Operating Districts (RODs) increased by \$1.7 million during the reporting period due to a reduction in state share for grant projects nearing completion.

Next, Mr. Nixon discussed the preliminary December 2020 Monthly Financial Report. He noted that this is a preliminary report as the financial statements are currently under review by the Authority's independent auditors. Mr. Nixon advised the Members that the Authority's operating expenses (Actual vs. Budget) for the year-to-date period totaled \$13.8 million, down \$3.6 million as compared to the budget for the corresponding period. He explained that this decrease is mainly attributable to a decrease in payroll and benefits costs, lower than anticipated spending related to professional and other contracted services, facilities and general office expenses and information systems. He reported that year-to-date Authority operating expenses (Actual vs. Prior Year Actual) are \$2.7 million lower as compared to the operating budget for the corresponding prior year period. He explained that this decrease is mainly attributable to SDA having fewer FTEs than in the previous year. He then said that school facilities project expenditures (Actual vs. Forecast) for the year-to-date period total approximately \$293.5 million, approximately \$28.7 million lower as compared to the capital spending forecast for the corresponding period. He advised the Members that this variance is the result of lower than forecasted expenditures for grant activity, construction activity, property acquisition and payroll expense allocation to project expenditures. He noted that this decreased spending is offset by an increase in school furniture purchases. Mr. Nixon then reported that project expenditures (Actual vs. Prior Year Actual), at approximately \$293.5 million, are lower by \$16 million when compared to the corresponding prior year period. He explained that the variance is due to

decreased grant activity, school furniture purchases and payroll expense allocation to project expenditures. He noted that this decreased spending is offset by an increase in spending for construction activity, design services and property acquisition.

Mr. Nixon said that, since program inception, 88.9% of the funds authorized for the SDA districts have been disbursed. Additionally, he noted that 96% of all SDA disbursements relate to school facilities projects, while 4% relate to operating expenses. He advised that the estimated value of active school facilities capital projects, along with emergent and regular operating district grant projects, is approximately \$2 billion.

Next, Mr. Nixon advised that, in compliance with the 2019 changes to the SDA Bylaws and Audit Committee Charter, the CEO reported to the Committee regarding Authority personnel matters and changes as part of his quarterly staffing report.

Next, Mr. Nixon said that in executive session and for informational purposes, the Committee received an update from Cowden Associates, Inc. (Cowden), the human resources consultant that was retained by the Board. He reminded the Members that Cowden was tasked with reviewing and making recommendations regarding SDA job descriptions, functional responsibilities and compensation levels along with conducting an operational efficiency review. He said that Cowden was also tasked, on a privileged and confidential basis, with working with SDA's Counsel's Office and outside employment counsel to develop an analytical tool that the Authority can utilize as part of its efforts to ensure current and future compliance with the 2018 Diane B. Allen Equal Pay Act (the Act). Mr. Nixon said that Chief Counsel's office provided the Committee with an update on the progress of this aspect of Cowden's work.

In concluding his report, Mr. Nixon advised that the Audit Committee is awaiting additional analyses and reports from Cowden. He said that once the same are presented to the Audit Committee they will be shared with the full Board.

Public Comments

The Chairman then opened the Public Comments portion of the meeting.

At the Chairman's request, Bishop Militinia Bland addressed the Board. Bishop Bland said that she is the president of the non-profit Black Interest Team Enterprise Corporation (B.I.T.E). She said that B.I.T.E. has been directly affected by this decision (to terminate the 2009 Use and Occupancy agreement). She said that B.I.T.E. has been operating as a non-profit organization in the Astor Community Garden (garden) for the past 15 years with permission via a building use form. She said that the garden was built from the rubble where there were dead animals, drug paraphernalia, drugs being sold in the area and illicit sexual activities that directly and negatively affected the children in the area when they were walking to the elementary and high schools. She said that as residents of this area, B.I.T.E. wanted to collaborate with the Jersey City Board of Education, which was then under Dr. Charles Epps, the then-superintendent. Bishop Bland added that the group has worked through all the superintendents in a collaborative manner that has been extremely positive. She said that 15 years later, they house an organic garden on the property that is used for the STEM program, an afterschool program, a literacy program, and homework projects; and now provides a full pantry that feeds 1,000 plus people per week. She added that in January there was a new coat giveaway because families are suffering from COVID-19 and the children were home from school and they didn't have the means to obtain what they needed. Bishop Bland then listed the programs that are scheduled to happen in March and said that bringing these programs to a halt would be very problematic, especially in the time of COVID-19. She said that B.I.T.E. also works in collaboration with one of the area hospitals.

In continuing, Bishop Bland said that she understands that all involved want to work together for the good of the community and especially for the good of the children and schools.

She said that she wanted to thank the Board for providing an opportunity to either collaborate with the schools or for the SDA to collaborate with the organization because they know how to keep the Authority informed and work within the parameters of a lease agreement.

Next, at the Chairman's request, Neal Bronson addressed the Board. Mr. Bronson said that he is calling in to support B.I.T.E. and the garden. He said that he is from Jersey City and runs the African American Historical Society Museum. He said that he has seen community projects come and go in Jersey City but he has not seen one with the longevity that this community project; nor has he seen one with the opportunity that this one has. He said that one of the things that is current in terms of agriculture is urban gardening which has become a food source and a learning tool for the communities. He said that practically every college in the "Big 10" has an agricultural school and one of the difficulties that children from these urban environments have when entering into these programs is that they lack the rudimentary experience that this garden can provide. He added that this leads to opportunities that are incalculable. He said that this program in its locale adjacent to an elementary school in Jersey City facilitates an opportunity. He said that he's been able to take a look at the lease agreement and Bishop Bland is correct that this program has been running under the radar with great acclaim in the community. Mr. Bronson said that he wanted to emphasize two points: 1) this issue should be beyond politics; and 2) the program should be measured and weighed on its history and accomplishments. He said that if you do this, you have no choice but to support the program in the future and to even look for opportunities to expand it. He said that community programs need institutional and community support.

At the Chairman's request, Myani Lawson addressed the Board. Ms. Lawson said that she is a resident of Astor Place. She said that she has lived on the street for the last 20 years and is speaking from her perspective as an educator. She said that she has been a teacher for the past

24 years and what she seen with this community garden has been nothing short of amazing. She said that when she first moved to Astor Place and saw the empty lot, it was just disgraceful. She said that the community garden is located directly adjacent to PS 12 ES. She asked what message we are sending the children when they look out the windows of their school or walk past to go to their school and see broken glass, urine, and drug paraphilia. She said that the message we are sending the children is that they are worthless. Ms. Lawson said that when the B.I.T.E. organization came in they cleared up the debris from the empty lot and built garden beds with no financial support. She added that B.I.T.E. is an all-volunteer organization and as people see what the organization is doing for the community, more and more people are embracing it and they are getting additional assistance coming in and building up this garden community. She said that now the children see the beautiful space that they deserve and that the community deserves as well. She said that she runs an early childhood program and she took her students to the garden. She reported that the children had the time of their lives. She said that not only is the organization growing food but they are getting donations of food for the 1000 plus people who come each week so that they can eat.

The Chairman then asked Rev. Philip Webb to address the Board. Rev. Webb said that he is a third generation resident of Jersey City. He said that he serves as a Church pastor and was a police officer for 29 years, now retired. He said that he was one of the innovators and facilitators of the Jersey City Social Justice Commission, one of the most advanced police reform initiatives that may exist nationally. He said that he was calling in to support the B.I.T.E. organization and their good work. Rev. Webb said that he has worked in association with B.I.T.E. and has seen and supports their good work.

Mr. Nixon thanked Rev. Webb for his service as a police office and for his work in the community.

At the Chairman's request, Debra Alston then addressed the Board. She said that the garden has been around for 15 years. She said that the children experience field trips to the garden where they learn how to plant and to grow fresh fruit and vegetables. She said that the garden is a STEM program and that children from the lower grades up to college-age students visit the garden and are exposed to different possibilities (i.e. agriculture) when determining what they would like to do in their lives. She said that the garden is available to children that speak different languages and that they can learn in those languages. However, she noted that gardening doesn't need "language". She then described other learning experiences that are made available to the children. Ms. Alston said that the community does not want the garden to go back to the drug dealers. She then cited a "success story" involving a drug dealer who obtained his masters degree and indicated that the group would like more success stories.

At the Chairman's request, Mustafa Salaam addressed the Board next. Mr. Salaam said that he wanted to address the Board on behalf of the B.I.T.E. organization and Bishop Bland. He said that he came into the community in the late '90s and was able to witness what Bishop Bland did out of sheer love and concern to cultivate usage of the space. He said that without the confrontation that goes on within the community, this was a natural organic transformation and a positive for the community—providing food and clothing. He said that this a cross-cultural, cross-ethnic effort and promotes self-esteem and self-worth. He said that for anyone to be in opposition and to try to stop and prevent such a positive effort is a crime against humanity.

The Chairman then asked Ruben Rodriguez to address the Board. Mr. Rodriguez said that he has lived in Jersey City for 20 years. He said that the property was full of drug dealers and garbage and that B.I.T.E cleaned it up. He said that now the community is benefiting from this. He said that children are being taught how to grow vegetables and that these are significant benefits. He said that he does not understand why B.I.T.E. cannot continue this work. He said

that more places like this are needed and asked that the Board not take away the property from B.I.T.E. He thanked the Board for the opportunity to speak.

Next, Vera Bland addressed the Board. Ms. Bland said that she is a resident of the Jersey City area at issue. She said the question is not who wants the garden but who does not want the garden. She asked what spotlighted this area. She said that if there is a winning team, that team should be kept whole. She asked the Members of the Board to search their souls as their mission is to make things better for the schools. She said that SDA is responsible for millions of dollars and questioned why this one small area was highlighted. She advised the Board that in the past, the police had to constantly patrol the area due to the presence of drug dealers and other undesirables there. She said that rather than ask for a greater police presence, the volunteers went to the site and give local families food. She said that now these families are allies. She said that it is this type of community involvement that makes the world a better place. She asked that the Board work with B.I.T.E. so that the work can continue.

Next, Paula Jones Watson said that she is a stakeholder and lifetime resident of Jersey City. Ms. Watson said she concurs with the comments of all of the previous speakers. She said that the garden is a symbol of hope and survival showing that there are many possibilities in life. Ms. Watson echoed the description of the property offered by the speakers before her – as an empty trash filled lot and the site of illegal transactions. She said that the garden represents a place of beauty and change and what God wants us to do for each other by providing for each other. She said that it is like in the Bible “What you sow you will reap” and we need to sow something into our community to reap the good. Ms. Watson said that we cannot let our personal or emotional opinions remove the progressive statement that the garden makes. She said that the garden provides safety and a place where many nationalities come together and it should be a blueprint for the city demonstrating what can be done with vacant lots. She said that

we have a responsibility to future generations and asked that everyone do whatever they can do. She asked that SDA lease the site with a perpetual lease as the garden is a symbol of hope, life and survival.

Next, Jermaine Thomas of St. John the Baptist Church (Church) of Jersey City addressed the Board. Mr. Thomas said that he sits on the Board of the Church as a Deacon. He advised the Board that the Church's seniors go to the Astor community garden, adding that the garden serves as the site for Easter egg hunts, toy drives and events where household products, juices, etc. are distributed. Mr. Thomas asked what good it is doing to punish the community garden that is doing great things. He shared that his wife died of COVID-19 last year and that he came down with the virus and suffers from acute failure in his right lung. Mr. Thomas said that the garden provides fresh juices and vegetables for many people who are unemployed. He said that closing the garden is signing a death warrant to some people's lives. He noted the recession and loss of jobs, stating that these people get the necessities from the garden that they need to survive. He said the seniors need the garden for their survival. Mr. Thomas asked that everyone work together expeditiously to stand with the garden, especially at this time when people are going hungry and dying. Mr. Nixon extended his condolences to Mr. Thomas.

Next, Rosa Roney spoke to the Board. Ms. Roney said that she was a crossing guard on Astor Place for 6 years. She said that the property was in disarray with drugs and fires. She said that after she retired, the change in Astor Place was amazing, with the garden providing over 1,000 people with vegetables and water. Ms. Roney said that prices have gotten so high that even with food stamps people can't make it. She said that Bishop Bland makes sure that there is food for senior citizens and parents of children. She said that, prior to the pandemic, children and college kids were taken to the garden to show them what they can do to move along. Ms. Roney

asked everyone to work together to keep the garden going and to show the children that everyone is working together.

Next, at the Chairman's request, James Harris addressed the Board. Mr. Harris said that he is a member of B.I.T.E. and President of the New Jersey Organization of Black Educators. He expressed the disappointment of the community when facing locked gates to a piece of property that was supposed to be used to build a school that never got built. He said that the garden has been providing vital services for 15 years to the community during difficult times. Mr. Harris said that we need to do whatever we need to do—whether it's a relationship between the Jersey City Board of Education and the SDA or whatever the problem is that needs to be solved. He stressed that the garden needs to be opened on Saturday. He said that people have been coming for years to the garden as a resource. He encouraged the Members to take a ride by the site to see what goes on there. He said that this is not fake news, but that everyone who spoke is "speaking truth to power". He said that the SDA has the legal responsibility and authority to get this resolved.

In continuing, Mr. Harris said that when a piece of property that was an eyesore has been turned into a community resource, children come to see positive adults doing positive things, showing them that all is not lost for them living in a poverty community in the second largest city in New Jersey. Mr. Harris appealed to the Members noting that they have good intentions and that some have been appointed by a Governor who is truly sensitive to diversity. He said that this is an equal rights situation and he encouraged those involved to do whatever needs to be done over the next couple of days to take the locks off those gates so that the community can do what they have been doing very effectively for the last 15 years. He asked all involved to do the right thing for the community, and for fairness, justice and equality in a very stressful

environment. He thanked the Chairman and the Board for taking time this morning and looks forwards to a rapid return on what can happen in order to keep this vital resource functioning.

Mr. Nixon thanked everyone who participated and addressed the Board. He said that the Members did not need to be sold on the value of community gardens and the important services that organizations can provide our communities. He said that, as Mr. Da Silva announced at the start of the meeting, the SDA has been actively trying to get the school district to follow up on this matter to make sure that everyone is on the same page and that state property is being appropriately utilized and insured so that everyone can benefit and the community and the children are the better for it.

Mr. Nixon then announced that the Board would be adjourning into Executive Session. Ms. Kelly advised those participating in the meeting that the Board would be adjourning into Executive Session to discuss a proposed settlement of cost recovery litigation relating to the Jersey City PS3/MS4 School Facilities project. She added that the Board will vote on this matter upon its return to Open Session. She asked that the Chairman present **Resolution 9** for this purpose.

Upon motion duly made by Mr. Vargas and seconded by Mr. Elbert, the Board resolved to adjourn the meeting into Executive Session to discuss the matter so described with its unanimous vote in favor of **Resolution 9**.

Following discussion in Executive Session the Board returned to Open Session.

Mr. Luckie announced that in Executive Session the Board had discussed the SRC's recommendation that the Board approve the proposed settlement of cost recovery litigation in connection with the Jersey City PS3/MS4 School Facilities project.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon motion duly made by Mr. Vargas and seconded by Mr. Lewis-Powder, the

Committee's recommendation in this matter was approved by the Board with its unanimous vote in favor of *Resolution A1*.

Adjournment

There being no further business to come before the Board, upon motion by the Chairman and with unanimous consent, the meeting was adjourned.

Certification: The foregoing represents a true and complete summary of the actions taken by the Board of the New Jersey Schools Development Authority at its March 3, 2021 meeting.

/s/ Jane F. Kelly
Assistant Secretary

Resolution—3a./3b.

Approval of Minutes

WHEREAS, the By-Laws provide that the minutes of actions taken at meetings of the New Jersey Schools Development Authority be approved by the Authority's Board of Directors; and

WHEREAS, pursuant to Section 3(k) of P.L. 2007, Chapter 137, the minutes of the March 3, 2021 Board meeting of the New Jersey Schools Development Authority, for the Open and Executive Sessions were forwarded to the Governor on March 3, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the minutes of the New Jersey Schools Development Authority's March 3, 2021 Open and Executive Session meetings are hereby approved.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve same, in which case such action shall become effective upon such approval.

Dated: April 7, 2021

AUTHORITY MATTERS

CEO REPORT

CHAIRMAN'S REPORT

**REPORT AND RECOMMENDATIONS OF THE AUDIT COMMITTEE
(CHAIRMAN'S REPORT)**

Approval of Contract Extensions - Furniture, Fixtures and Equipment - GP-0251-F01



MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Director, Procurement

DATE: April 7, 2021

SUBJECT: Approval of Contract Extensions
Contract No. GP-0251
Furniture, Fixtures and Equipment

INTRODUCTION

The Members of the Authority are requested to approve a one (1) year contract extension to each of the twenty-one (21) engaged firms holding contract GP-0251 ("FF&E Contract") to provide Furniture, Fixtures and Equipment with no increase to the value of each contract.

At the December 5, 2018 NJSDA Board Meeting, the Members approved the FF&E Contract for a total not-to-exceed value of \$55,000,000, including all awardees, for the term of the contract and any extension thereof. As of March 2, 2021, purchase orders have been issued to thirteen (13) of the twenty-one (21) firms with an approximate value of \$9,600,000. The contracts, scheduled to expire on April 1, 2022, provide for a one (1) year extension to the initial term, with such option to be exercised at the sole discretion of the NJSDA.

Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, the exercising of contract options for extension to the original term of Board-approved contracts requires Board approval.

BACKGROUND

The FF&E Contract provides for the manufacture, delivery and installation of furniture, fixtures and equipment. The FF&E from the various firms forms the content of a "catalog" of available items for selection by school district officials to furnish and equip schools constructed or renovated by the NJSDA. NJSDA staff meet with school district officials to facilitate the FF&E selection process. Once FF&E selections are determined by the school district, the NJSDA issues purchase orders to the applicable FF&E vendors.

Members of the Authority
Approval of Contract Extensions
Contract No. GP-0251
Furniture, Fixtures and Equipment
April 7, 2021
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PROCUREMENT PROCESS FOR CONTRACT NO. GP-0251

In accordance with NJSDA regulations, the NJSDA followed a competitive bidding process. The Request for Proposals was advertised beginning on June 29, 2018 on the NJSDA website, the New Jersey State website, and in selected newspapers for interested firms to participate in the bidding process. Submissions were received from thirty-three (33) firms by August 21, 2018. Following a thorough evaluation process, the NJSDA executed contracts with the twenty-one (21) responsive firms at negotiated discounts to each firm's catalog prices.

RECOMMENDATION

The Members of the Authority are requested to approve a one (1) year extension to the initial term of the FF&E Contract (GP-0251) with each of the twenty-one (21) engaged firms with no increase to the value of each contract. The proposed one (1) year extension would commence on April 1, 2022 and terminate on April 1, 2023.

/s/ Sean Murphy
Sean Murphy, Director, Procurement

Reviewed and Recommended by: Donald Guarriello, Vice President and Chief Financial Officer

Resolution—5a.

Furniture, Fixtures and Equipment Contract Extension (GP-0251-F01)

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority authorize and approve the award of contracts for goods and services by the SDA; and

WHEREAS, the Operating Authority further requires that the Members of the Authority approve management's exercise of an option to extend contracts which were originally approved by the Board; and

WHEREAS, in 2018, following a competitive bidding process and with Board approval, the SDA entered into contracts with twenty-one (21) firms for the manufacture, delivery and installation of furniture, fixtures and equipment (FF&E Contracts) to furnish and equip schools constructed or renovated by the SDA; and

WHEREAS, the Board-approved value of the FF&E Contracts was for a total not-to-exceed \$55,000,000, including all awardees, for the term of the contract and any extension thereof; and

WHEREAS, as of March 2, 2021, purchase orders have been issued to thirteen (13) of the twenty-one (21) firms with an approximate value of \$9,600,000; and

WHEREAS, the FF&E Contracts, scheduled to expire on April 1, 2022, provide for a one (1) year extension to the initial term, such option to be exercised at the sole discretion of the SDA; and

WHEREAS, management recommends and requests that the Members of the Authority approve a one (1) year contract extension to each of the twenty-one (21) engaged firms holding FF&E contracts (Contract GP-0251-F01) with no increase to the value of each contract; and

WHEREAS, with Board approval, the proposed one (1) year extension would commence on April 1, 2022 and terminate on April 1, 2023.

NOW THEREFORE, BE IT RESOLVED, THAT the Members of the Authority hereby authorize and approve a one (1) year extension to the initial term of each of the twenty-one (21) engaged firms under the 2018 Furniture Fixtures & Equipment Contracts (GP-0251-F01) with no increase in the value of each contract.

BE IT FURTHER RESOLVED, that the extensions shall commence on April 1, 2022 and terminate on April 1, 2023.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve the same, in which case such action shall become effective upon such approval.

Attached: Memorandum, Furniture, Fixtures and Equipment Contract Extension (GP-0251-F01),

Dated, April 7, 2021

Dated: April 7, 2021

**REPORT AND RECOMMENDATIONS OF THE SCHOOL REVIEW COMMITTEE
(CHAIRMAN'S REPORT)**

Release of Funds from Program Reserve, Award of Contract, and Approval of the Final Project Charter - Newark Public School District – Ivy Hill Elementary School Emergent Project – Boiler Room Vault Repairs

MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Director, Procurement

Bob Ryan
Program Director, Construction Operations

RE: District: Newark Public School District
School: Ivy Hill Elementary School
Description: Emergent Project – Boiler Room Vault Repairs
Package No.: EP-0111-C01
CCE: \$749,130.00
Advertised CCE Range: \$675,000.00 to \$785,000.00
Award: \$843,900.00
CM: NJSDA Self-Managed

DATE: April 7, 2021

SUBJECT: Release of Funds from Program Reserve, Award of Contract, and Approval of the Final Project Charter
Newark Public School District – Ivy Hill Elementary School
Emergent Project – Boiler Room Vault Repairs

INTRODUCTION

We are writing to recommend approval by the Members of the Authority of three related actions necessary to address emergent conditions at the Ivy Hill Elementary School in the Newark Public School District:

1. The release of funds from the NJSDA Program Reserve maintained for emergent projects;
2. The award of a construction contract; and
3. The Final Project Charter representing the project budget inclusive of dollar values for the award for construction, appropriate contingency, allowances, NJSDA staff costs, other costs, and prior allocation of funds for professional services.

Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010 as amended on March 7, 2012, Board approval is required for the release of monies from the Program Reserve for emergent projects or emergency situations exceeding \$500,000.00. Further, the Operating Authority requires Board approval of the award of construction contracts greater than \$500,000.00 as well as approval of a Final Project Charter. Both the construction award and the release of funds from the reserve exceed \$500,000.00.

At the July 2008 Board meeting, the Members approved the 2008 New Funding Allocation and Capital Plan which allocated \$97 million to fund emergent projects in the 31 NJSDA Districts. Additionally, at the March 2, 2011 Board meeting, the Members approved the 2011 Capital Program which allocated an additional \$100

Members of the Authority
Release of Funds, Construction Award, and Approval of Final Project Charter
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Newark Public School District – Ivy Hill ES – Emergent Project
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Million to fund emergent projects creating a total reserve of \$197 million to address emergent projects throughout the SDA Districts. Most recently, at the July 1, 2020 Board meeting, the Members approved a reallocation of funds from the Unforeseen Events Reserve to the Emergent Projects Reserve, providing an additional \$55.6 million to support the advancement of emergent projects. Funding for the Ivy Hill Elementary School project is available within the established reserves for emergent projects¹.

NJSDA staff shall provide Construction Management oversight for the project.

BACKGROUND

The Ivy Hill Elementary School (“IHES”), built in 1931, is an approximately 90,700 square foot facility in the Newark Public Schools District (“District”) educating approximately 566 students in grades Pre-Kindergarten through Eighth grade.

Upon confirmation of the existence of emergent Boiler Room Vault Repair conditions at the school, the NJSDA engaged Design Resources Group, Architects, AIA (“DRG”) on May 07, 2020 to perform needed design services to provide repair of structural concrete ceiling/roof slab, relocate hot water heater, storage tanks, water proofing foundations walls exterior face, asphalt paving and other associated aspects related to the emergent conditions. DRG was engaged through utilization of the NJSDA’s 2017 Design Consultant Task Order Contract.

PROCUREMENT PROCESS

The construction task order assignment recommended for this project results from utilization of the NJSDA General Construction Services Task Order (“GC Task Order”) Contract.

At the September 4, 2019 Board Meeting, the Members of the Authority approved the use of the GC Task Order Contract. The GC Task Order Contract has been structured so that the Authority has a pool of contractors to perform certain work. Overall, no individual task order can exceed \$3 million and no individual firm can receive more than \$5 million of work per region during the duration of the Contract. Bidders were required to select a region (North, South, or both) for job order assignments. Bidders were also required to accept the defined cost multiplier of 1.15, as determined by the Authority, for use in establishing compensation for those task order rotational assignments to be performed, at least for the initial phases, on a time and materials basis. GC Task Order Contract work may also be assigned on a lump sum fee basis after competitive bidding among Task Order Contractors.

This package was bid on a lump sum basis pursuant to the NJSDA's existing GC Task Order Contract. This package was advertised beginning on December 17, 2020 and constitutes a Task Order scope of work pursuant to the GC Task Order Contract. Bidding for the work was therefore limited to participants in the existing GC Task Order Contract, who hold a valid "Inclusion Notice" for the Northern Region. Accordingly, only bids from participants holding a valid "Inclusion Notice" for the Northern Region were considered for this work.

A non-mandatory pre-bid teleconference was held on January 27, 2021.

¹ Funding from the Emergent Projects Reserve was allocated to the Ivy Hill Elementary School project prior to the Board action of July 1, 2020.

A mandatory site visit was held on January 27, 2021.

Bidder Questions were received by February 17, 2021. An addendum containing responses to the Bidder Questions was issued to the bidders on February 24, 2021.

Price Proposals were received on March 10, 2021. The Price Proposals were publicly opened and the lump sum base bids were read aloud as required by law.

Following the public bid opening, the NJSDA performed a review of the Price Proposals to determine the responsiveness of each bidder to the solicitation. The review determined that three (3) bidders were responsive. The results of the review are listed below:

Contractor	Bid Amount	Comments
Catcord Construction Company, Inc.	\$ 843,900.00	Qualified and responsive bidder.
Hall Building Corporation	\$ 934,000.00	Qualified and responsive bidder.
Paul Otto Building Company, Inc.	\$ 1,298,000.00	Qualified and responsive bidder.

As stipulated in the Contract Documents, each Bid Amount is inclusive of NJSDA-established Allowances totaling \$205,000.00, as follows: \$100,000.00 for Hazardous Materials and Related Activities; \$50,000.00 for Impacted and Unsuitable Soils; \$15,000.00 for Temporary Utilities Disconnection; \$25,000.00 for Dewatering; and \$15,000.00 for Tree Replacement.

The responsive low bidder was Catcord Construction Company, Inc. (“Catcord”)².

The bid submitted by Catcord was greater than the CCE. In order to understand the differential between the CCE and the bid price and to ensure the contractor’s Price Proposal was inclusive of all scope elements, a conference was conducted on March 12, 2021 to review the bid, with Catcord and staff from Procurement, Construction Operations, Program Operations, and Financial Operations in attendance. The discussion verified that Catcord had included all project scope elements in its bid and identified variances between the NJSDA’s CCE and Catcord’s Price Proposal in several areas. The majority of the overall variance is attributable to the concrete and earthwork portions of the project. Discussion confirmed that the higher values for these portions in Catcord’s bid are due to Catcord’s assessment of the complexity of these portions of the work and site logistical constraints. At the time of review, Catcord confirmed that its Price Proposal is inclusive of all scope elements contained in the Contract Documents.

The Construction Operations Director and the Financial Operations Director recommend award of the project to Catcord.

SCOPE OF WORK

The scope of work for this GC Task Order engagement includes:

²Catcord listed the following subcontractors for the required trades in its Price Proposal: J.G. Schmidt Steel (Structural Steel), Peter Hywel Plumbing & Heating, Inc. (Plumbing), and Dua Electrical Contracting, LLC (Electrical).

1. Remove asphalt paving above Boiler Room Vault, repair structural concrete ceiling/roof slab and close-up abandoned openings;
2. Relocate hot water heater, storage tanks, emergency generator control panel, and piping to allow for concrete ceiling/roof/beam repairs;
3. Repair Boiler Room Vault concrete ceiling/roof slab and beams, and install new steel columns under beams on new concrete footings;
4. Reconnect hot water heater, water storage tanks, emergency generator control panel, and connect new sump pump drainage system;
5. Waterproof Boiler Room Vault foundations walls exterior face, and reconstruct new concrete sidewalk, and curbing at completion; and
6. Install new asphalt paving on waterproofing membrane over Boiler Room Vault concrete ceiling/ceiling roof slab. Stripe parking stalls.

An allowance of \$100,000.00 has been established for Hazardous Materials and related activities. This allowance may be utilized for testing, inspection, abatement and all related work. An allowance of \$15,000.00 has been established for Temporary Utilities Disconnect/Reconnect if needed during the work. An allowance of \$50,000.00 has been established for Impacted and Unsuitable Soils. This allowance may be utilized for stockpiling, loading, transport, additional disposal costs (inclusive of additional testing), replacement or other remedial actions associated with existing soils, fill or subsurface materials that are determined to be unsuitable for the Work by the Engineer. An allowance of \$25,000.00 has been established for Dewatering. This allowance may be utilized to compensate the Contractor for dewatering that may be required to complete excavation work. An allowance of \$15,000.00 has been established for Tree Replacement. This allowance may be utilized for the replacement of (1) tree.

FINAL BUDGET

Based on the results of the bid opening, the construction cost to address the emergent project is \$843,900. The total funding, including design costs, construction costs, contingencies, allowances, and NJSDA staff costs is estimated at a value in the amount of \$1,758,900. The funding for the total project costs are available within the NJSDA Program Reserve maintained for emergent projects.

Budget Summary

▪ Construction Costs	\$ 638,900
▪ Construction Allowances	\$ 205,000
▪ Construction Contingency (15%)	\$ 169,000
▪ Design Costs including (10%) Contingency	\$ 344,000
▪ Project Management (NJSDA staff)	\$ 360,000
▪ Other Costs (5%)	<u>\$ 42,000</u>
Total	\$1,758,900

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Release of Funds, Construction Award, and Approval of Final Project Charter
Package No. EP-0111-C01
Newark Public School District – Ivy Hill ES – Emergent Project
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RECOMMENDATION

The Members of the Authority are requested to approve:

1. The release of \$1,446,723.00 from the NJSDA Program Reserve maintained for emergent projects;
2. The award of a construction contract to Catcord Construction Company, Inc. for Contract No. EP-0111-C01 in the amount of \$843,900.00, inclusive of NJSDA-established Allowances totaling \$205,000.00. Prior to execution of the contract, the contract and related documentation will be reviewed and approved by the NJSDA Division of Chief Counsel; and
3. The Final Project Charter (copy attached) representing all expended and projected funds necessary for completion of the project.

/s/ Sean Murphy
Sean Murphy, Director, Procurement

/s/ Bob Ryan
Bob Ryan, Program Director, Construction Operations

Reviewed and Recommended by: Manuel Da Silva, Chief Executive Officer
Reviewed and Recommended by: Andrew Yosha, Vice President, Program Operations and Strategic Planning
Reviewed and Recommended by: Donald Guarriello, Vice President and Chief Financial Officer
Reviewed and Recommended by: Gregory Voronov, Managing Director, Planning and Program Operations
Reviewed and Recommended by: Robert Carney, Director, Financial Operations
Prepared and Recommended by: Ricardo Didier, Program Officer, Construction Operations

New Jersey Schools Development Authority Emergent Project Charter - Summary

Charter Date

04/07/21

Supersedes

Charter Dated

N/A

Region: Northern
District: Newark
School Name: Ivy Hill ES
Project Type: Emergent
DOE # / Project #: 3570-565-17-0BBA
Project Location: 107 Ivy Street, Newark, NJ 07106

Project Budget: \$ 1,758,900
Anticipated Construction NTP Date May-21
Anticipated Final Completion Date January-22
Project Initiation Date: October-18

Funding Source
2011 Emergent Reserve

Charter Version and Date	Project Summary
<input checked="" type="checkbox"/> Final 04/07/21	The scope of services is for the engagement of a General Contractor for Construction Services related to the following scope of work: 1) Remove asphalt paving above Boiler Room Vault, repair structural concrete ceiling/roof slab and close-up abandoned openings. 2) Relocate hot water heater, storage tanks, emergency generator control panel, and piping to allow for concrete ceiling/roof/beam repairs. 3) Repair Boiler Room Vault concrete ceiling/roof slab and beams, and install new steel columns under beams on new concrete footings. 4) Reconnect hot water heater, water storage tanks, emergency generator control panel, and connect new sump pump drainage system. 5) Waterproof Boiler Room Vault foundations walls exterior face, and reconstruct new concrete sidewalk, and curbing at completion. 6) Install new asphalt paving on waterproofing membrane over Boiler Room Vault concrete ceiling/ceiling roof slab. Stripe parking stalls.
Revision # and Date	
<input type="checkbox"/> One	
<input type="checkbox"/> Two	
<input type="checkbox"/> Three	Purpose for Advancement of Emergent Charter
	To establish the final budget for the project inclusive of dollar values for the award for construction, appropriate contingency, allowances, NJSDA staff costs, and estimated other costs.

Recommendation

Program Director - Project Date	Managing Director - Program Operations Date
Robert Ryan	Gregory Voronov
_____ Date	VP-Program Ops and Strategic Planning Date
_____	Andrew Yosha

Approval

(If Project Budget is greater than \$500,000 Attach Board Memo and Minutes indicating authorization of funding)

Chief Executive Officer	Date
Manuel Da Silva	_____

**New Jersey Schools Development Authority
Emergent Project Charter
Project Budget**

District / Project Name:	Newark/Ivy Hill ES
DOE # / Project #:	3570-565-17-0BBA
Charter Date:	04/07/21

Special Considerations:

The project budget is based upon the award value of the Contract for General Construction Services. Other Costs for projects range from 2% to 5% of Building Costs, with such costs for Emergent Projects budgeted at 5%. These costs are inclusive of projected DCA fees for permits and anticipated inspections. 5 construction allowances totaling \$205,000 have been established - 1) Hazardous Materials Allowance for \$100,000 2) The Impacted and Unsuitable Soils Allowance for \$50,000 3) Temporary Utilities Disconnection Allowance for \$15,000 4) The Dewatering Allowance for \$25,000 and 5) The Tree Replacement Allowance for \$15,000

Project Budget:

Construction Costs:	
Building Costs	\$638,900
Allowances	\$205,000
Construction Contingency	\$169,000
Total Construction Costs	\$1,012,900
Other Costs:	
Design	\$344,000
Project Management (SDA Staff)	\$360,000
Other Costs	\$42,000
Total Other Costs	\$746,000
PreDevelopment & Environmental Costs:	
PreDevelopment	\$0
Environmental/Remediation	\$0
Total PreDevelopment & Environmental Costs	\$0
Total Project Budget	\$1,758,900
2011 Emergent Reserve Impact	
Prior Funding Approved	\$312,177
Current Funding Requested	\$1,446,723

Resolution—6a.

Release of Funds from Program Reserve, Award of Contract, and Approval of Final Project
Charter, Newark Public Schools District – Ivy Hill Elementary School,
Emergent Project – Boiler Room Vault Repairs

District:	Newark Public Schools District
School Name:	Ivy Hill Elementary School
Description:	Emergent Project – Boiler Room Vault Repairs
Package No:	EP-0111-C01
CCE:	\$749,130.00
Advertised CCE Range:	\$675,000.00 - \$785,000.00
Award:	\$843,900.00
PMF/CM:	NJSDA Self-Managed

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority authorize and approve the release of funds from the Program Reserve for emergent projects or emergency situations exceeding \$500,000; and

WHEREAS, the Operating Authority further requires Board approval of the award of construction contracts greater than \$500,000 as well as final project charters; and

WHEREAS, in September 2019, the Members of the Authority approved the use of the General Construction Task Order Contract (GC Task Order Contract) authorizing establishment of a pool of contractors to perform certain SDA project work; and

WHEREAS, the background and details of the GC Task Order Contract are set forth in the memorandum presented to the Board on this date; and

WHEREAS, in 2008 and 2011, the SDA Board approved a total of \$197 million to fund emergent project work in SDA Districts; and

WHEREAS, subsequently, in July 2020, the Board approved the reallocation of funds from the SDA’s Unforeseen Events Reserve to the Emergent Projects Reserve, providing an additional \$55.6 million to support the advancement of emergent projects; and

WHEREAS, the Ivy Hill Elementary School (the School), built in 1931, is an approximately 90,700 square foot facility in the Newark Public Schools District (District) educating approximately 566 students in grades Pre-K through 8; and

WHEREAS, upon confirmation of the existence of emergent boiler room vault repair conditions at the School, the SDA utilized the 2017 Design Consultant Task Order Contract to engage Design Resources Group, Architects, AIA (DRG) in May 2020 to perform needed design services (the Project or emergent project) as fully described in the memorandum presented to the Board on this date; and

WHEREAS, upon completion of design work, management determined to obtain the needed services through the Authority's GC Task Order Contract; and

WHEREAS, the GC Task Order Contract provides that work may be assigned on a lump sum fee basis after competitive bidding among task order contractors; and

WHEREAS, the package for work on the Project was bid on a lump sum basis with advertising beginning on December 17, 2020; and

WHEREAS, funding from the Program Reserves was available and had been allocated for Project work; and

WHEREAS, the memorandum presented to the Board on this date and incorporated herein sets forth in detail the Project's scope of work, along with the Project's final budget and a description of the procurement process utilized by management; and

WHEREAS, upon completion of the procurement process, the construction operations director and the financial operations director recommend award of the project to Catcord Construction Company, Inc. (Catcord) for Contract No. EP-0111-C01 in the amount of \$843,900 inclusive of SDA-established allowances totaling \$205,000; and

WHEREAS, following review, management determined that Catcord has included all project scope work in its bid and Catcord has confirmed that its price proposal is inclusive of all scope elements contained in the contract documents; and

WHEREAS, management further also recommends that the Members of the Authority approve the Project's final charter and the release of \$1,446,723 from the emergent program reserve for the Project; and

WHEREAS, as the construction award and the release of funds from the reserve for the project exceed \$500,000, both require Board approval.

WHEREAS, prior to execution of the contract, the contract and related documentation will be reviewed and approved by the SDA Division of Chief Counsel.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the release of \$1,446,723 from the SDA Emergent Program Reserve to address the emergent project at the Ivy Hill Elementary School in the Newark Public Schools District.

BE IT FURTHER RESOLVED, that the Members of the Authority approve the award of a construction contract to Catcord Construction Company, Inc. in the amount of \$843,900 for Contract No. EP-0111-C01, inclusive of SDA-established Allowances totaling \$205,000.

BE IT FURTHER RESOLVED, that the Members of the Authority approve the Final Project Charter, representing all expended and projected funds necessary for completion of the emergent project presented to the Board on this date.

BE IT FURTHER RESOLVED, that, prior to execution of the contract, the contract and related documentation will be reviewed and approved by the SDA Division of Chief Counsel.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve same, in which case such action shall become effective upon such approval.

Attached: Memorandum, Release of Funds from Program Reserve, Award of Contract, and Approval Final Project Charter, Newark Public Schools District, Ivy Hill Elementary School, Emergent Project, dated, April 7, 2021

Dated: April 7, 2021

**Release of Funds from Program Reserve, Award of Contract, and Approval of the Final Project Charter - Newark Public School District – Roberto Clemente Elementary School
Emergent Project – Sub-Basement Water Infiltration**

MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Director, Procurement

Bob Ryan
Program Director, Construction Operations

RE: District: Newark Public School District
School: Roberto Clemente Elementary School
Description: Emergent Project – Sub-Basement Water Infiltration
Package No.: EP-0110-C01
CCE: \$683,090.00
Advertised CCE Range: \$615,000.00 - \$715,000.00
Award: \$768,800.00
CM: NJSDA Self-Managed

DATE: April 7, 2021

SUBJECT: Release of Funds from Program Reserve, Award of Contract, and Approval of the Final Project Charter
Newark Public School District – Roberto Clemente Elementary School
Emergent Project – Sub-Basement Water Infiltration

INTRODUCTION

We are writing to recommend approval by the Members of the Authority of three related actions necessary to address emergent conditions at the Roberto Clemente Elementary School in the Newark Public School District:

1. The release of funds from the NJSDA Program Reserve maintained for emergent projects;
2. The award of a construction contract; and
3. The Final Project Charter representing the project budget inclusive of dollar values for the award for construction, appropriate contingency, allowances, NJSDA staff costs, other costs, and prior allocation of funds for professional services.

Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010 as amended on March 7, 2012, Board approval is required for the release of monies from the Program Reserve for emergent projects or emergency situations exceeding \$500,000.00 Further, the Operating Authority requires Board approval of the award of construction contracts greater than \$500,000 as well as approval of a Final Project Charter. Both the construction award and the release of funds from the reserve exceed \$500,000.00.

Members of the Authority
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Newark Public School District – Roberto Clemente ES – Emergent Project
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At the July 2008 Board meeting, the Members approved the 2008 New Funding Allocation and Capital Plan which allocated \$97 million to fund emergent projects in the 31 NJSDA Districts. Additionally, at the March 2, 2011 Board meeting, the Members approved the 2011 Capital Program which allocated an additional \$100 Million to fund emergent projects creating a total reserve of \$197 million to address emergent projects throughout the SDA Districts. Most recently, at the July 1, 2020 Board meeting, the Members approved a reallocation of funds from the Unforeseen Events Reserve to the Emergent Projects Reserve, providing an additional \$55.6 million to support the advancement of emergent projects. Funding for the Roberto Clemente Elementary School project is available within the established reserves for emergent projects¹.

NJSDA staff shall provide Construction Management oversight for the project.

BACKGROUND

The Roberto Clemente Elementary School (“RCES”), built in 1884 with two additions built in 1897 and 1927, is an approximately 68,000 square foot facility in the Newark Public School District educating approximately 531 students in grades Pre-K through 4th.

Upon confirmation of the existence of emergent Sub-Basement Water Infiltration conditions at the school, the NJSDA engaged SSP Architectural Group, Inc. (“SSP”) on March 4, 2020 to perform needed design services to provide structural repair, water proofing, paving and other associated aspects related to the emergent conditions. SSP was engaged through utilization of the NJSDA’s 2017 Design Consultant Task Order Contract.

PROCUREMENT PROCESS

The construction task order assignment recommended for this project results from utilization of the NJSDA General Construction Services Task Order (“GC Task Order”) Contract.

At the September 4, 2019 Board Meeting, the Members of the Authority approved the use of the GC Task Order Contract. The GC Task Order Contract has been structured so that the Authority has a pool of contractors to perform certain work. Overall, no individual task order can exceed \$3 million and no individual firm can receive more than \$5 million of work per region during the duration of the Contract. Bidders were required to select a region (North, South, or both) for job order assignments. Bidders were also required to accept the defined cost multiplier of 1.15, as determined by the Authority, for use in establishing compensation for those task order rotational assignments to be performed, at least for the initial phases, on a time and materials basis. GC Task Order Contract work may also be assigned on a lump sum fee basis after competitive bidding among Task Order Contractors.

This package was bid on a lump sum basis pursuant to the NJSDA's existing GC Task Order Contract. This package was advertised beginning on December 15, 2020 and constitutes a Task Order scope of work pursuant to the GC Task Order Contract. Bidding for the work was therefore limited to participants in the existing GC Task

¹ Funding from the Emergent Projects Reserve was allocated to the Roberto Clemente Elementary School project prior to the Board action of July 1, 2020.

Order Contract, who hold a valid "Inclusion Notice" for the Northern Region. Accordingly, only bids from participants holding a valid "Inclusion Notice" for the Northern Region were considered for this work.

A non-mandatory pre-bid teleconference was held on January 20, 2021.

A mandatory site visit was held on January 20, 2021.

Price Proposals were received on March 3, 2021. The Price Proposals were publicly opened and the lump sum base bids were read aloud as required by law.

Following the public bid opening, the NJSDA performed a review of the Price Proposals to determine the responsiveness of each bidder to the solicitation. The review determined that three (3) bidders were responsive. The results of the review are listed below:

Contractor	Bid Amount	Comments
Catcord Construction Company, Inc.	\$ 768,800.00	Qualified and responsive bidder.
Hall Building Corporation	\$ 1,127,000.00	Qualified and responsive bidder.
Paul Otto Building Company, Inc.	\$ 1,168,000.00	Non-responsive bidder. Bid rejected.
Brockwell & Carrington Contractors	\$ 1,534,000.00	Qualified and responsive bidder.

As stipulated in the Contract Documents, each Bid Amount is inclusive of NJSDA-established Allowances totaling \$215,000 as follows: \$100,000 Hazardous Materials and Related Activities; \$50,000 for Impacted and Unsuitable Soils; \$15,000 for Temporary Utilities Disconnection/Connection; and \$50,000 for Retaining Wall.

The responsive low bidder was Catcord Construction Company, Inc. (“Catcord”)².

The bid submitted by Catcord was greater than the CCE. In order to understand the differential between the CCE and the bid price and to ensure the contractor’s Price Proposal was inclusive of all scope elements, a conference was conducted on March 5, 2021 with Catcord and staff from Procurement, Construction Operations, Program Operations, and Financial Operations in attendance. The discussion verified that Catcord had included all project scope work in its bid and identified variances between the NJSDA’s CCE and Catcord’s Price Proposal in several areas. The majority of the overall variance is attributable to the costs associated with the concrete and steel scope elements of the project. Discussion confirmed that the higher value for the concrete portion in Catcord’s bid is due to Catcord’s assessment of the complexity of this portion of the work and site logistical constraints. Catcord indicated current economic conditions as a factor impacting its pricing for the steel element of the project scope. At the time of review, Catcord confirmed that its Price Proposal is inclusive of all scope elements contained in the Contract Documents.

The Construction Operations Director and the Financial Operations Director recommend award of the project to Catcord.

²Catcord listed the following subcontractors for the required trades in its Price Proposal: Portuguese Structural Steel (Structural Steel), Peter Hywel Plumbing & Heating, Inc. (Plumbing), and Anna Electric, LLC (Electrical).

SCOPE OF WORK

The scope of work for this GC Task Order engagement includes:

1. Demolition of the entire Boiler Room Vault concrete roof structure, including concrete columns and beams;
2. Installation of new structural steel roof system including beams and columns on existing concrete footings;
3. Installation of new concrete slab on structural steel roof system and waterproofing membrane assembly;
4. Installation of new concrete sidewalk and driveway paving over waterproof membrane on Boiler Room Vault roof structure;
5. Waterproofing on interior face of all Boiler Room Vault exterior walls, and;
6. Removal and replacement of water-damaged electrical CT panel and Safety Disconnect Switch including new electrical circuitry.

An allowance of \$100,000 has been established for Hazardous Materials and related activities. This allowance may be utilized for testing, inspection, abatement and all related work. An allowance of \$15,000 has been established for Temporary Utilities Disconnect/Reconnect if needed during the work. An allowance of \$50,000 has been established for Impacted and Unsuitable Soils. This allowance may be utilized for stockpiling, loading, transport, additional disposal costs (inclusive of additional testing), replacement or other remedial actions associated with existing soils, fill or subsurface materials that are determined to be unsuitable for the Work by the Engineer. An allowance of \$50,000 has been established for the Retaining Wall. This allowance may be utilized for work that may be required to support, reinforce, repair, and/or replace elements of a retaining wall located along a portion of the northern end of the Project site, to ensure that the Work installed meets and/or exceeds the requirements of the Construction Documents.

FINAL BUDGET

Based on the results of the bid opening, the construction cost to address the emergent project is \$768,800. The total funding, including design costs, construction costs, contingencies, allowances, and NJSDA staff costs is estimated at a value in the amount of \$1,456,800. The funding for the total project costs are available within the NJSDA Program Reserve maintained for emergent projects.

Budget Summary

▪ Construction Costs	\$ 553,800
▪ Construction Allowances	\$ 215,000
▪ Construction Contingency (15%)	\$ 120,000
▪ Design Costs including (10%) Contingency	\$ 270,000
▪ Project Management (NJSDA staff)	\$ 260,000
▪ Other Costs (5%)	<u>\$ 38,000</u>
Total	\$1,456,800

Members of the Authority
Release of Funds, Construction Award, and Approval of Final Project Charter
Package No. EP-0110-C01
Newark Public School District – Roberto Clemente ES – Emergent Project
April 7, 2021
Page 5 of 5

RECOMMENDATION

The Members of the Authority are requested to approve:

1. The release of \$1,220,300.00 from the NJSDA Program Reserve maintained for emergent projects;
2. The award of a construction contract to Catcord Construction Company, Inc. for Contract No. EP-0110-C01 in the amount of \$768,800.00, inclusive of NJSDA-established Allowances totaling \$215,000.00. Prior to execution of the contract, the contract and related documentation will be reviewed and approved by the NJSDA Division of Chief Counsel; and
3. The Final Project Charter (copy attached) representing all expended and projected funds necessary for completion of the project.

/s/ Sean Murphy

Sean Murphy, Director, Procurement

/s/ Bob Ryan

Bob Ryan, Program Director, Construction Operations

Reviewed and Recommended by: Manuel Da Silva, Chief Executive Officer

Reviewed and Recommended by: Andrew Yosha, Vice President, Program Operations and Strategic Planning

Reviewed and Recommended by: Donald Guarriello, Vice President and Chief Financial Officer

Reviewed and Recommended by: Gregory Voronov, Managing Director, Planning and Program Operations

Reviewed and Recommended by: Robert Carney, Director, Financial Operations

Prepared and Recommended by: Rick Ferrara, Program Officer, Construction Operations

New Jersey Schools Development Authority Emergent Project Charter - Summary

Charter Date

04/07/21

Region: Northern
District: Newark
School Name: Roberto Clemente School
Project Type: Emergent
DOE # / Project #: 3570-615-17-0BBB
Project Location: 257 Summer Avenue Newark, NJ 07104

Supersedes

Charter Dated

N/A

Project Budget: \$ 1,456,800
Anticipated Construction NTP Date May-21
Anticipated Final Completion Date August-21
Project Initiation Date: October-18

Funding Source

2011 Emergent Reserve

Charter Version and Date	Project Summary
<input checked="" type="checkbox"/> Final 04/07/21	The scope of services is for the engagement of a General Contractor for Construction Services related to the following scope of work: 1) Demolition of the entire Boiler Room Vault concrete roof structure, including concrete columns and beams. 2) Installation of new structural steel roof system including beams and columns on existing concrete footings. 3) Installation of new concrete slab on structural steel roof system and waterproofing membrane assembly. 4) Installation of new concrete sidewalk and driveway paving over waterproof membrane on Boiler Room Vault roof structure. 5) Waterproofing on interior face of all Boiler Room Vault exterior walls. 6) Removal and replacement of water-damaged electrical CT panel and Safety Disconnect Switch including new electrical circuitry.
Revision # and Date	
<input type="checkbox"/> One	
<input type="checkbox"/> Two	
<input type="checkbox"/> Three	Purpose for Advancement of Emergent Charter
	To establish the final budget for the project inclusive of dollar values for the award for construction, appropriate contingency, allowances, NJSDA staff costs, and estimated other costs.

Recommendation

Program Director - Project	Date	Managing Director - Program Operations	Date
Robert Ryan		Gregory Voronov	
_____	Date	VP - Program Ops and Strategic Planning	Date
		Andrew Yosha	

Approval

(If Project Budget is greater than \$500,000 Attach Board Memo and Minutes indicating authorization of funding)

Chief Executive Officer	Date
Manuel Da Silva	

**New Jersey Schools Development Authority
Emergent Project Charter
Project Budget**

District / Project Name:	Newark/Roberto Clemente School
DOE # / Project #:	3570-615-17-0BBB
Charter Date:	04/07/21

Special Considerations:

The project budget is based upon the award value of the Contract for General Construction Services. Other Costs for projects range from 2% to 5% of Building Costs, with such costs for Emergent Projects budgeted at 5%. These costs are inclusive of projected DCA fees for permits and anticipated inspections. 4 construction allowances totaling \$215,000 have been established - 1) The Hazardous Materials and Related Activities \$100,000.00 2) The Impacted and Unsuitable Soils Allowance \$50,000.00 3) The Temporary Utilities Disconnection / Connection Allowance \$15,000.00) and 4) The Retaining Wall Allowance \$50,000.00

Project Budget:

Construction Costs:	
Building Costs	\$553,800
Allowances	\$215,000
Construction Contingency	\$120,000
Total Construction Costs	\$888,800
Other Costs:	
Design Services	\$270,000
Project Management (SDA Staff)	\$260,000
Other Costs	\$38,000
Total Other Costs	\$568,000
PreDevelopment & Environmental Costs:	
PreDevelopment	\$0
Environmental/Remediation	\$0
Total PreDevelopment & Environmental Costs	\$0
Total Project Budget	\$1,456,800
2011 Emergent Reserve Impact	
Prior Funding Approved	\$236,500
Current Funding Requested	\$1,220,300

Resolution—6b.

Release of Funds from Program Reserve, Award of Contract,
Approval of Final Project Charter
Newark Public Schools District – Roberto Clemente Elementary School,
Emergent Project – Sub-Basement Water Infiltration

District:	Newark Public Schools District
School:	Roberto Clemente Elementary School
Description:	Emergent Project – Sub-Basement Water Infiltration
Package No.:	EP-0110-C01
CCE:	\$683,090.00
Advertised CCE Range:	\$615,000.00 - \$715,000.00
Award:	\$768,800.00
CM:	NJSDA Self-Managed

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority authorize and approve the release of monies from the Program Reserve (reserve) for emergent projects or emergency situations exceeding \$500,000; and

WHEREAS, the Operating Authority further requires Board approval of the award of construction contracts greater than \$500,000 as well as final project charters; and

WHEREAS, in September 2019, the Members of the Authority approved the use of the General Construction Task Order Contract (GC Task Order Contract) authorizing establishment of a pool of contractors to perform certain work; and

WHEREAS, the background and details of the GC Task Order Contract are set forth in the memorandum presented to the Board on this date; and

WHEREAS, in 2008 and 2011, the SDA Board approved a total of \$197 million to fund emergent project work in SDA Districts; and

WHEREAS, subsequently, in July 2020, the Board approved the reallocation of funds from the SDA’s Unforeseen Events Reserve to the Emergent Projects Reserve, providing an additional \$55.6 million to support the advancement of emergent projects; and

WHEREAS, the Roberto Clemente Elementary School (the School), built in 1884 with two additions built in 1897 and 1927, is an approximately 68,000 square foot facility in the Newark Public Schools District educating approximately 531 students in grades Pre-K through 4; and

WHEREAS, upon confirmation of the existence of emergent sub-basement water infiltration conditions at the School, SDA engaged SSP Architectural Group, Inc. (SSP) in March 2020 through utilization of the SDA's 2017 Design Consultant Task Order Contract to perform needed design services to provide structural repair, water proofing, paving and other associated aspects related to the emergent conditions (the Project); and

WHEREAS, SDA determined to utilize the GC Task Order Contract for the Project and the package was bid on a lump sum basis beginning December 15, 2020; and

WHEREAS, the memorandum presented to the Board on this date and incorporated herein sets forth the details of the Project's final budget, the procurement process utilized by management and the Project's scope of work; and

WHEREAS, upon completion of the procurement process, the construction operations director and the financial operations director recommend award of the Project to Catcord Construction Company, Inc. (Catcord) for Contract No. EP-0110-C01 in the amount of \$768,800 inclusive of SDA-established Allowances totaling \$215,000; and

WHEREAS, following review, management determined that Catcord has included all Project scope work in its bid and Catcord has confirmed that its price proposal is inclusive of all scope elements contained in the contract documents; and

WHEREAS, management recommends that the Members of the Authority approve the Project's final charter representing all expended and projected funds necessary for the completion of the Project, and the release of \$1,220,300 from the Program Reserve maintained for emergent projects; and

WHEREAS, both the construction award and the release of funds from the reserve for the project exceed \$500,000 and thus require Board approval; and

WHEREAS, prior to execution of the contract, the contract and related documentation will be reviewed and approved by the SDA Division of Chief Counsel.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the release of \$1,220,300 from the SDA Emergent Program Reserve to address the emergent project at the Roberto Clemente Elementary School in the Newark Public Schools District.

BE IT FURTHER RESOLVED, that the Members of the Authority approve the award of a construction contract to Catcord Construction Company, Inc in the amount of \$768,800 for Contract No. EP-0110-C01, inclusive of SDA-established Allowances totaling \$215,000.

BE IT FURTHER RESOLVED, that the Members of the Authority approve the Project's Final Charter, representing all expended and projected funds necessary for completion of the project presented to the Board on this date.

BE IT FURTHER RESOLVED, that, prior to execution of the contract, the contract and related documentation will be reviewed and approved by the SDA Division of Chief Counsel.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve same, in which case such action shall become effective upon such approval.

Attached: Memorandum, Release of Funds from Program Reserve, Award of Contract, and Approval of the Final Project Charter, Newark Public Schools District, Roberto Clemente Elementary School, Emergent Project, dated, April 7, 2021

Dated: April 7, 2021

Adoption of New Rules: Procedures for Compliance with Alyssa's Law, N.J.A.C. 19:32A



STATE OF NEW JERSEY
SCHOOLS DEVELOPMENT AUTHORITY

MEMORANDUM

TO: Members of the Authority

FROM: Jane Kelly, Vice President, Corporate Governance and Legal Affairs
Cecelia Haney, Deputy Chief Counsel and Administrative Practice Officer

DATE: April 7, 2021

RE: Adoption of New Rules: Procedures for Compliance with Alyssa’s Law, N.J.A.C. 19:32A

On November 6, 2019 the Members of the New Jersey Schools Development Authority (“Authority” or “SDA”) approved for proposal and publication New Rules for Adoption of New Rules: Procedures for Compliance with Alyssa’s Law, N.J.A.C. 19:32A.

Management of the Authority now seeks the Members’ approval to formally adopt the Rules in the form previously presented at the November 6, 2019 meeting of the Board, and as subsequently published in the New Jersey Register. The proposed Notice of Adoption for the Rules is attached hereto, along with a copy of the proposed Rules as published in the New Jersey Register.

Prior Regulatory History

Chapter 32A was approved by the SDA Board on November 6, 2019 for special adoption and concurrent proposal for adoption in the normal course, and was published in the December 16, 2019 edition of the New Jersey Register at 51 N.J.R. 1851(a) (attached). The specially-adopted new rules became immediately effective upon publication for a period of six months, though the rules remain effective past that six-month period due to the action of Executive Order 127, which suspends the expiration of rules and rule proposals during the COVID-19 State of Emergency.

Under the concurrent proposal, the new rules were subject to a 60-day public comment period ending February 14, 2020, and several comments were received during that period. Responses to the comments were drafted by SDA staff for inclusion in the Notice of Adoption along with the comments themselves, and those responses have been shared with, and approved by the Department of Education. None of the comments requires a response that necessitates a change in the rules as proposed. Accordingly, the form of the Rules proposed for adoption has not changed from the original proposal as published in the Register.

Management of the Authority now seeks the Members' approval of the filing of the Notice of Adoption with respect to the Concurrent Proposal of the attached rules, captioned "Procedures for Compliance with Alyssa's Law."

Background

On February 6, 2019, Governor Murphy signed P.L. 2019, c. 33, Alyssa's Law, requiring that each public elementary and secondary school building in the state be equipped with a panic alarm to alert law enforcement in the event of a school security emergency. Alyssa's Law provided that funding for compliance with the panic alarm requirement would be made available through the proceeds of bonds issued under the Securing Our Children's Future Bond Act, P.L. 2018 c. 119. Alyssa's Law further required that the New Jersey Schools Development Authority adopt regulations, to be effective immediately upon filing and for a period of six months, thereafter to be formally amended or adopted, to establish a program to effectuate the purposes of Alyssa's Law.

NJSDA, in conjunction with the Commissioner of the Department of Education (the "Commissioner") developed proposed rules implementing a program to allow NJSDA to assess school districts' compliance with the requirements of Alyssa's Law with respect to each school building in a district, which will facilitate the Commissioner's program of school security project grants available for school security projects such as the installation of a panic alarm or other alternate emergency mechanism at any school building that is not already in compliance with the provisions of Alyssa's Law.

The Rules address the standards for school districts to demonstrate compliance with Alyssa's Law. The Rules prescribe a mandatory process in which school districts must submit to the Authority proof that each of the school buildings in the school district are equipped with a panic alarm meeting the requirements of Alyssa's Law, or an alternate emergency mechanism that, if approved by the Department of Education, will satisfy the requirements of Alyssa's Law. Alternatively, if a school district cannot demonstrate compliance with Alyssa's Law in all of the school buildings in the district, the Rules require the school district to submit to the Authority a compliance plan describing how the school district will achieve compliance with Alyssa's Law in each school building in the district, which may include reliance on school security project grants from the Commissioner available to fund the costs of compliance with Alyssa's Law.

The Authority's compliance process is based primarily on the school district's submission of a certification from a local law enforcement official with jurisdiction in the municipality where a school building is located, confirming that the school building is equipped with a panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or in the case of a school building in a municipality without a local municipal police department, transmits a signal or message to a location designated by the Superintendent of State Police.

The rules provide that once a school district has demonstrated compliance with Alyssa's Law with respect to one or more school buildings in a district, the Authority will issue a notice of

compliance determination to the school district. The Authority's compliance determination is a prerequisite for the school district to apply to the Commissioner for grant funding to reimburse the school district for the installation costs for existing systems and equipment that satisfy Alyssa's Law, or for the costs of planned installations to achieve compliance with Alyssa's Law. The Rules provide that the Authority will transmit the notice to the school district and the Department of Education to facilitate any grant application that the school district may make to access grant funding available through the Commissioner for the costs of installation of panic alarms or alternate emergency mechanisms in satisfaction of Alyssa's Law.

Requested Board Action

The Members of the Authority are requested to approve the adoption of the new Rules, as well as the issuance of the attached Notice of Adoption, and the filing of the Notice with the Office of Administrative Law.

/s/Jane F. Kelly

Jane F. Kelly, Vice President
Corporate Governance & Legal Affairs

Prepared by Cecelia Haney, Deputy Chief Counsel and Administrative Practice Officer

JFK/ceh

SPECIAL ADOPTION

OTHER AGENCIES

(a)

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Procedures for Compliance with Alyssa's Law Special Adopted New Rules and Concurrent Proposed Readoption of Specially Adopted New Rules: N.J.A.C. 19:32A

Specially Adopted New Rules Adopted and Concurrent Proposed Readoption of Specially Adopted New Rules Authorized: November 6, 2019, by the New Jersey Schools Development Authority, Manuel M. Da Silva, Interim Chief Executive Officer. Filed: November 8, 2019, as R.2019 d.129.

Authority: P.L. 2019 c. 33.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Concurrent Proposal Number: PRN 2019-163.

Effective Date: November 8, 2019.

Expiration Date: November 4, 2020.

Submit written comments via mail or email by February 14, 2020, to:

Cecelia Haney, Administrative Practice Officer
New Jersey Schools Development Authority
PO Box 991
Trenton, NJ 08625-0991
Phone: 609-858-2968
chaney@njsda.gov

Take note that in accordance with P.L. 2019, c. 33, the New Jersey Schools Development Authority (Authority) has adopted the following new rules for school districts seeking funding for, and in compliance with, the panic alarm installation requirements of Alyssa's Law, P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 et seq.), which rules became effective on November 8, 2019 (upon acceptance for filing by the Office of Administrative Law). Alyssa's law was effective on September 1, 2019, pursuant to P.L. 2019, c. 33, § 5. The specially adopted new rules shall be effective until May 8, 2020, six months from the effective date of the new rules. As the Authority is concurrently proposing to readopt the specially adopted new rules, the chapter expiration date is extended 180 days to November 4, 2020, pursuant to N.J.S.A. 52:14B-5.1.

The agency special adoption and concurrent proposal follows:

Summary

On February 6, 2019, Governor Murphy signed P.L. 2019, c. 33, Alyssa's Law, requiring that each public elementary and secondary school building in the State be equipped with a panic alarm to alert law enforcement in the event of a school security emergency. Alyssa's Law provides that funding for compliance with the panic alarm requirement would be made available through the proceeds of general obligation bonds issued under the Securing Our Children's Future Bond Act, P.L. 2018, c. 119. Alyssa's Law further requires that the Authority adopt rules to establish a program to effectuate the purposes of Alyssa's Law.

A section-by-section summary of the new rules follows.

Subchapter 1. General Provisions

N.J.A.C. 19:32A-1.1, Applicability and scope

This section sets forth the chapter's purpose and scope, which is to implement the provisions of Alyssa's Law, P.L. 2019, c. 33 (N.J.S.A. 18A:41-11) (hereinafter "Alyssa's Law" or "the Act"), which provides that all school facilities shall include a panic alarm connected to local law enforcement, and provides further that a portion of the proceeds of general obligation bonds issued pursuant to the Securing Our Children's Future Bond Act, P.L. 2018, c. 119 (the Bond Act) shall be utilized to fund the

cost of the panic alarms or other alternative mechanisms approved by the Department of Education (the Department) required in school buildings under Alyssa's Law. The proposed rules provide the mechanism whereby school districts can demonstrate compliance with Alyssa's Law.

N.J.A.C. 19:32A-1.2, Construction of rules

This section provides that the rules shall be liberally construed to permit the Authority to discharge its statutory obligations under Alyssa's Law.

N.J.A.C. 19:32A-1.3, Definitions

This section defines terms used throughout the chapter.

The Authority proposes a definition for "alternate emergency mechanism," which means a device or system that generates a notification to local law enforcement in the event of a school security emergency, as approved by the Department. In conjunction with the Department's rules on security grant funding proposed at N.J.A.C. 6A:26A-4, the proposed definition implements the provisions of N.J.S.A. 18A:41-11, allowing the Department to approve an alternative emergency mechanism to comply with Alyssa's Law, and achieves the goal of Alyssa's Law to equip each school building with an emergency mechanism to notify local law enforcement in the event of a school security emergency.

The Authority proposes a definition for "Alyssa's Law," which means P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 et seq.).

The Authority proposes a definition for "compliance determination," which means a determination of the Authority that a school district has demonstrated compliance with Alyssa's Law with respect to one or more school buildings within the school district, which determination shall be memorialized in a formal, written notice of compliance determination.

The Authority proposes a definition for "compliance plan," which means the document submitted to the Authority by a school district as part of the compliance determination review process that sets forth the school district's plan for achieving compliance with Alyssa's Law with respect to any non-compliant school buildings in the school district, including, if applicable, reference to the school district's application for school security project grant funding under N.J.A.C. 6A:26A-4, to comply with Alyssa's Law.

The Authority proposes a definition for "New Jersey Schools Development Authority," "the Authority," or "SDA," which means the New Jersey Schools Development Authority, established pursuant to N.J.S.A. 52:18A-237.

The Authority proposes a definition for "non-compliant school building," which means a school building that is not equipped with a panic alarm or alternative emergency mechanism satisfying the requirements of Alyssa's Law.

The Authority proposes a definition for "notice of compliance determination," which means the formal, written memorialization of the SDA's determination that a school district has demonstrated compliance with Alyssa's Law with respect to one or more school buildings within the school district.

The Authority proposes a definition for "panic alarm," which means a silent security system signal generated by the manual activation of a device to alert law enforcement to a life-threatening or emergency situation requiring a response from law enforcement, as set forth at N.J.S.A. 18A:41-11.

The Authority proposes a definition for "school," which means an educational institution that includes any of the grades kindergarten through 12.

The Authority proposes a definition for "school building," which means a building owned or leased by a school district and used to permanently house students in any combination of grades kindergarten through 12.

The Authority proposes a definition for “school district” or “district,” which means a local or regional school district, a county special services school district, a county vocational school district, and a district under partial or full State intervention pursuant to P.L. 1987, c. 399 (N.J.S.A. 18A:7A-34 et seq.), but which, for the purposes of this chapter, does not include charter or renaissance schools.

The Authority proposes a definition for “school security project grant,” which means a grant of funds to a district for a school security project under N.J.A.C. 6A:26A-4, which shall include funding of installation of panic alarms in compliance with Alyssa’s Law, N.J.S.A. 18A:41-11 et seq., if needed, and may include funding of security measures to implement the provisions of N.J.S.A. 18A:7G-5.2.

The Authority proposes a definition for “security project,” which means the construction, improvement, alteration, or modernization of all or any part of a school building in a school district for school security purposes, including the installation of panic alarms and silent security systems. A security project shall not include routine maintenance.

The Authority proposes a definition for “school security emergency,” which means a life-threatening or emergency situation requiring a response from law enforcement, including, but not limited to, a non-fire evacuation, lockdown, or active shooter situation that occurs in, or near, a school building.

Subchapter 2. Alyssa’s Law Compliance and School Security Grants to Facilitate Compliance with Alyssa’s Law

N.J.A.C. 19:32A-2.1, Mandatory school district compliance with Alyssa’s Law

This section specifies the mandatory nature of school district compliance with Alyssa’s law. Subsection (a) provides that each school district in the State is required to demonstrate compliance with Alyssa’s Law with respect to each school building in such school district, by submitting, to the Authority, an application for a compliance determination, identifying each school building in the school district and providing documentation sufficient to enable the Authority to evaluate and determine whether each school building is in compliance with Alyssa’s Law. Subsection (b) states that compliance with Alyssa’s Law is a prerequisite for eligibility for school security project grant funding under N.J.A.C. 6A:26A-4, specifying that when applying for a school security project grant, a school district must submit an application to the Authority for a compliance determination prior to, or simultaneous with, the school district’s application to the Commissioner of the Department (Commissioner) for a school security project grant under N.J.A.C. 6A:26A-4. Finally, subsection (c) indicates that an Alyssa’s Law compliance review is required, even for school districts that opt not to seek available school security project funding, providing that school districts that do not elect to apply to the Commissioner for a school security project grant under N.J.A.C. 6A:26A-4 must apply to the Authority for a compliance determination no later than 60 days after the grant application deadline established by the Commissioner for submission of applications for a school security project grant under N.J.A.C. 6A:26A-4.

N.J.A.C. 19:32A-2.2, Demonstrating school district compliance with Alyssa’s Law

This section provides the standards for determining compliance with Alyssa’s Law. The section provides that in order to demonstrate compliance with the requirements of Alyssa’s Law, a school district must submit, to the Department, for each school building, a certification of a law enforcement official with jurisdiction in the municipality in which the school building is located, attesting that such school building is equipped with a silent panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or a location designated by the Superintendent of State Police. Alternatively, a school district may demonstrate that a school building is equipped with an alternate emergency mechanism if such alternate emergency mechanism is approved by the Department.

This section further provides that if a school district cannot demonstrate compliance with the requirements of Alyssa’s Law with respect to one or more of the school buildings located in the school district, then the school district must install a panic alarm or an approved

alternative emergency mechanism in such non-compliant school building, and can apply to the Commissioner for a grant covering the costs of such proposed installation, pursuant to the procedures specified in this chapter and in the Department’s rules at N.J.A.C. 6A:26A-4.

N.J.A.C. 19:32A-2.3, School district application for Alyssa’s Law compliance determination

This section details the process for applying to the Authority for a compliance determination. Subsection (a) provides that a school district shall apply for a compliance determination using a form provided by the Authority. Subsection (b) provides that the Authority determination will be made based on the information supplied by the school district. Subsections (c) and (d) set forth the information to be supplied by the school district for this review, starting with the requirement of submission of a full list of all school buildings in the school district, which shall be accompanied by a certification of the superintendent or business administrator for the school district, attesting to the completeness and accuracy of the list. Subsection (d) specifies that, for each school building on the list, the school district shall demonstrate whether the school building is equipped with a silent panic alarm system that satisfies Alyssa’s Law by supplying: a manufacturer’s, or other, description of the panic alarm system, including a description of the method of operation of the panic alarm for signaling local law enforcement, sufficient to demonstrate how the proposed installation will satisfy the requirements of Alyssa’s Law; photo or video evidence of the panic alarm installed in at least one location in the school building; and a certification by a law enforcement official with jurisdiction in the municipality in which the school building is located, confirming that the school building is equipped with a panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or in the case of a school building in a municipality without a local municipal police department, transmits a signal or message to a location designated by the Superintendent of the State Police. Subsection (e) requires the district to submit a compliance plan for any and all school buildings in the district that are not demonstrated to be in compliance with Alyssa’s Law. The compliance plan shall describe how the school district intends to satisfy the requirements of Alyssa’s Law in all non-compliant school buildings in the school district, and may include reference to the school district’s planned or pending application for school security grant funding pursuant to N.J.A.C. 6A:26A-4. Finally, subsection (f) provides that the compliance plan shall be submitted by the school district either as part of the compliance determination application, or within 30 days of submission of the compliance determination application.

N.J.A.C. 19:32A-2.4, Determinations upon completion of compliance review

This section provides that the SDA shall review the materials submitted by the school district and shall determine, for each school building listed by the school district, whether the school building is equipped with a silent panic alarm in compliance with Alyssa’s Law. This section further provides that if the SDA determines that a school building is equipped with an alternate emergency system that, if approved by the Department, may satisfy the requirements of Alyssa’s Law, the SDA shall recommend that the Department approve the alternate emergency system, and if approval is granted by the Department, the SDA shall determine the school building to be in compliance with Alyssa’s Law. Finally, this section provides that the SDA shall provide the school district with a notice of compliance for all school buildings demonstrated to be in compliance with Alyssa’s Law, and shall transmit such notice of its determinations to the Commissioner to facilitate grant applications for school security project grants.

N.J.A.C. 19:32A-2.5, Grant funding available to facilitate Alyssa’s Law compliance

This section specifies that in order for a school district to receive funding available for compliance with Alyssa’s Law, a school district shall apply to the Commissioner of the Department for a school security project grant, pursuant to N.J.A.C. 6A:26A-4.

N.J.A.C. 19:32A-2.6, Submission of certification upon completion of panic alarm or alternate emergency mechanism installations in compliance with Alyssa's Law

This section specifies the requirements for demonstrating compliance with Alyssa's Law for those installations of panic alarms or alternate emergency mechanisms occurring after a school district has received an initial notice of compliance determination. Subsection (a) provides that, upon completion of an installation of a panic alarm or alternate emergency mechanism in satisfaction of Alyssa's Law at any school building previously included in a compliance plan under N.J.A.C. 19:32A-2.3(e), the school district shall submit to the Authority, upon completion of the work or at such other time as may be specified at N.J.A.C. 6A:26A-4 or in any grant agreement relating to such work, a certification of a law enforcement official as described at N.J.A.C. 19:32A-2.3(d)3. Subsection (b) requires that a school district shall supply any other documentation reasonably requested by the Authority to demonstrate a previously non-compliant school building's compliance with Alyssa's Law, in order to permit the Authority to update its compliance determination for the school district to include newly compliant school buildings. Subsection (c) provides that the Authority shall provide an updated notice of compliance determination to the school district and to the Department, upon the school district's submission of documentation under this section, as additional panic alarm or alternate emergency mechanism installations are completed, if the documentation submitted is sufficient to demonstrate a school building's compliance with Alyssa's Law.

Subchapter 3. Appeals

N.J.A.C. 19:32A-3.1, Appeals

This section provides for an administrative appeal procedure in the event that a school district seeks to challenge a decision or determination of the Authority made under this chapter. The section provides that school districts shall request an appeal in writing within 30 days of the school district's receipt of the Authority's decision, and school districts will be afforded an opportunity to participate in an informal hearing with Authority staff on the papers, in person, or by telephone. The section further provides that in the event that a district receives an adverse decision after the informal hearing, or if the district chooses not to seek an informal hearing, and the matter constitutes a contested case as defined at N.J.S.A. 52:14B-2(b), a district may request a formal hearing within 45 days of the decision or determination of the Authority, or the written decision resulting from any informal hearing of a challenge to a decision or determination of the Authority. The section further provides that upon the filing of an initial pleading in a contested case, the Board of the Authority may retain the matter for hearing, or may transmit the matter to the Office of Administrative Law for a hearing in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. Finally, the section provides that every determination by the Authority of a dispute or controversy arising from this chapter shall constitute final agency action by the Authority Board and shall be embodied in a written decision, which shall set forth findings of fact and conclusions of law pursuant to the applicable rules of the Office of Administrative Law.

As the Authority has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed new rules will allow the SDA to evaluate and determine school districts' compliance with Alyssa's Law, and issue a notice of compliance determination to school districts that demonstrate compliance with Alyssa's Law with respect to one or more school buildings in the school district. The Authority's issuance of the notice of compliance will facilitate the process for the Commissioner's issuance of school security grants for installation of panic alarms and alternate emergency mechanisms in compliance with Alyssa's Law, as well as other school security projects as required by N.J.S.A. 18A:7G-5.2, all of which has the positive social impact of making students and staff feel secure in the school environment, so that effective learning can take place.

Economic Impact

The proposed new rules will create a positive economic impact for businesses engaged in school construction and school security, as school districts will be required to demonstrate compliance with Alyssa's Law, and to the extent such school districts may be required to engage school construction and school security firms to install equipment or systems to comply with Alyssa's Law, this demand will create business for these industries. The proposed new rules will have little or no economic impact on school districts themselves, other than minimal administrative costs, because funding is available through school security project grants administered by the Department under the Securing Our Children's Future Bond Act, for reimbursement or purchase and installation of systems or equipment required to comply with this chapter and Alyssa's Law. Any minimal economic impact to school districts would be far outweighed by the benefits of the security improvements for the students, staff, and public in the event of a school security emergency.

Federal Standards Statement

The proposed new rules implement State statutes, namely Alyssa's Law, P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 et seq.), and the Securing Our Children's Future Bond Act, P.L. 2018, c. 119. There are no Federal standards or requirements governing the subject matter of these rules, which apply only to New Jersey school districts that are required to demonstrate their compliance with Alyssa's Law. A Federal standards analysis, therefore, is not required.

Jobs Impact

The proposed new rules may result in the generation of jobs in the school construction and school security industries as a result of the requirement that school districts comply with Alyssa's Law, through school district engagements of school construction and school security firms to perform installation of panic alarms or alternate emergency mechanisms to satisfy Alyssa's Law.

Agriculture Industry Impact

The proposed new rules will have no impact on the agriculture industry as the requirement for installation of panic alarms or alternate emergency mechanisms in school buildings in fulfillment of Alyssa's Law will not require the acquisition of real property.

Regulatory Flexibility Statement

The proposed new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined by N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. The proposed new rules primarily impact New Jersey school districts, which are not considered a small business.

Housing Affordability Impact Analysis

The proposed new rules will have no impact on the affordability of housing or on the average cost of housing in the State. The rules establish standards for the Authority's determination of a school district's compliance with the requirements of Alyssa's Law.

Smart Growth Development Impact Analysis

The proposed new rules will have an insignificant impact on smart growth development because it is extremely unlikely that the adoption of the rules would evoke a change in housing production in the State of New Jersey's Planning Areas 1 or 2, or within designated centers under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

There is an extreme unlikelihood that the proposed new rules would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the rules establish standards for determining school districts' compliance with the requirements of Alyssa's Law.

Full text of the specially adopted new rules and concurrently proposed re-adoption of specially adopted new rules follows:

CHAPTER 32A
PROCEDURES FOR COMPLIANCE WITH ALYSSA'S LAW

SUBCHAPTER 1. GENERAL PROVISIONS

19:32A-1.1 Applicability and scope

This chapter is promulgated by the New Jersey Schools Development Authority to effectuate the purposes of Alyssa's Law, P.L. 2019, c. 33 (N.J.S.A. 18A:41-11), in conjunction with complementary rules simultaneously enacted by the Commissioner of the Department of Education (Department) at N.J.A.C. 6A:26A-4 to effectuate the Securing Our Children's Future Bond Act, P.L. 2018, c. 119. Alyssa's Law provides that all school facilities shall include a panic alarm connected to local law enforcement, and provides further that a portion of the proceeds of general obligation bonds issued under the Bond Act shall be utilized to fund the cost of the panic alarms required in school buildings under Alyssa's Law, or other alternative mechanisms approved by the Department under the Bond Act. This chapter is adopted in order to provide the mechanism whereby school districts can demonstrate compliance with Alyssa's Law.

19:32A-1.2 Construction of rules

This chapter shall be liberally construed to permit the Authority to discharge its statutory obligations under Alyssa's Law.

19:32A-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Alternate emergency mechanism" means a device or system that generates a notification to local law enforcement in the event of a school security emergency, as approved by the Department.

"Alyssa's Law" or "the Act" means P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 et seq.).

"Commissioner" means the Commissioner of the Department of Education.

"Compliance determination" means a determination of the Authority that a school district has demonstrated compliance with Alyssa's Law with respect to one or more school buildings within the school district, which determination shall be memorialized in a formal, written notice of compliance determination.

"Compliance plan" means the document submitted to the Authority by a school district as part of the compliance determination review process that sets forth the school district's plan for achieving compliance with Alyssa's Law with respect to any non-compliant school buildings in the school district, including, if applicable, reference to the school district's application for school security project grant funding under N.J.A.C. 6A:26A-4, to comply with Alyssa's Law.

"New Jersey Schools Development Authority," "the Authority," or "the SDA" means the New Jersey Schools Development Authority, established pursuant to N.J.S.A. 52:18A-237.

"Non-compliant school building" means a school building that is not equipped with a panic alarm or alternative emergency mechanism satisfying the requirements of Alyssa's Law.

"Notice of compliance determination" means the formal, written memorialization of the SDA's determination that a school district has demonstrated compliance with Alyssa's Law with respect to one or more school buildings within the school district.

"Panic alarm" means a silent security system signal generated by the manual activation of a device to alert law enforcement to a life-threatening or emergency situation requiring a response from law enforcement, as set forth at N.J.S.A. 18A:41-11.

"School" means an educational institution that includes any of the grades kindergarten through 12.

"School building" means a building owned or leased by a school district and used to permanently house students in any combination of grades kindergarten through 12.

"School district" means a local or regional school district, a county special services school district, a county vocational school district, and a district under partial or full State intervention pursuant to P.L. 1987, c. 399 (N.J.S.A. 18A:7A-34 et seq.). For the purposes of this chapter, school district does not include charter or renaissance schools.

"School security emergency" means a life-threatening or emergency situation requiring a response from law enforcement, including, but not limited to, a non-fire evacuation, lockdown, or active shooter situation that occurs in or near a school building.

"School security project grant" means a grant of funds to a school district for a school security project under N.J.A.C. 6A:26A-4, which shall include funding of installation of alarms in compliance with Alyssa's Law, N.J.S.A. 18A:41-11 et seq., if needed, and may include funding of security measures to implement the provisions of N.J.S.A. 18A:7G-5.2.

"Security project" means the construction, improvement, alteration, or modernization of all or any part of a school building in a school district, for school security purposes, including the installation of alarms and silent security systems. A security project shall not include routine maintenance.

SUBCHAPTER 2. ALYSSA'S LAW COMPLIANCE AND SCHOOL SECURITY GRANTS TO FACILITATE COMPLIANCE WITH ALYSSA'S LAW

19:32A-2.1 Mandatory school district compliance with Alyssa's Law

(a) Each school district in the State is required to demonstrate compliance with Alyssa's Law with respect to each school building in such school district, by submitting, to the Authority, an application for a compliance determination, identifying each school building in the school district and providing documentation sufficient to enable the Authority to evaluate and determine whether each school building is in compliance with Alyssa's Law.

(b) In order to be eligible to receive a school security project grant under N.J.A.C. 6A:26A-4, a school district must submit an application to the Authority for a compliance determination prior to, or simultaneous with, the school district's application to the Commissioner for a school security project grant under N.J.A.C. 6A:26A-4.

(c) School districts that do not elect to apply to the Commissioner for a school security project grant under N.J.A.C. 6A:26A-4 must apply to the Authority for a compliance determination no later than 60 days after the grant application deadline established by the Commissioner for submission of applications for a school security project grant under N.J.A.C. 6A:26A-4.

19:32A-2.2 Demonstrating school district compliance with Alyssa's Law

(a) In order for a school district to demonstrate compliance with the requirements of Alyssa's Law, it must submit, to the Authority, proof that each school building in the district is equipped with a silent panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or in the case of a school facility in a municipality without a local municipal police department, transmits a signal or message to a location designated by the Superintendent of the State Police. Such proof shall be provided for each school building in the school district, in the form of a certification of a law enforcement official with jurisdiction in the municipality in which the school building is located.

(b) A district may demonstrate that a school building is compliant with Alyssa's Law, as an alternative to (a) above, if such school building is equipped with an alternative emergency mechanism that is approved by the Department.

(c) If a school district cannot demonstrate compliance with the requirements of Alyssa's Law with respect to one or more of the school buildings located in the school district, then the school district must install a panic alarm or an approved alternative emergency mechanism in such non-compliant school building and can apply to the Commissioner for a grant covering the costs of such proposed installation, pursuant to the procedures specified at N.J.A.C. 6A:26A-4.

19:32A-2.3 School district application for Alyssa's Law compliance determination

(a) A school district shall apply to the Authority for a compliance determination utilizing the application form supplied by the Authority.

(b) The Authority shall review and evaluate the district's compliance with Alyssa's Law based on information supplied by the school district as part of the school district's application to the Authority.

(c) The school district shall provide, as part of the application, a full list of all school buildings in the school district. The list shall be

accompanied by a certification of the superintendent or business administrator for the school district, attesting to the completeness and accuracy of the list.

(d) For each school building on the school district's list, the school district shall demonstrate whether the school building is equipped with a panic alarm system that satisfies Alyssa's Law, in accordance with N.J.A.C. 19:32A-2.2, by supplying the following:

1. The manufacturer's description of the panic alarm system, or a brief description of the panic alarm system or equipment to be installed, including a description of the method of operation of the panic alarm for signaling local law enforcement, sufficient to demonstrate how the proposed installation will satisfy the requirements of Alyssa's Law;

2. Photo or video evidence of the panic alarm installed in at least one location in the school building; and

3. A certification, in the form provided by the Authority, by a law enforcement official with jurisdiction in the municipality in which the school building is located, confirming that the school building is equipped with a panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or in the case of a school building in a municipality without a local municipal police department, transmits a signal or message to a location designated by the Superintendent of State Police.

(e) If, for any school building on the school district list, the school district cannot demonstrate that the school building is equipped with a panic alarm or alternate emergency mechanism in compliance with Alyssa's Law, the school district shall provide a compliance plan indicating how the school district will satisfy the requirements of Alyssa's Law in all non-compliant school buildings in the school district, including, if applicable, reference to the school district's planned or pending application for school security grant funding pursuant to N.J.A.C. 6A:26A-4.

(f) The school district shall supply the compliance plan to the Authority with the compliance determination application, or within 30 days of submission of the compliance determination application.

19:32A-2.4 Determinations upon completion of compliance review

(a) The SDA shall review the materials submitted by the school district and shall determine, for each school building listed by the school district, whether the school building is equipped with a panic alarm in compliance with Alyssa's Law.

(b) As an alternative to (a) above, if upon review of the materials submitted by the school district, the SDA determines that a school building is equipped with a system or equipment that may constitute an alternate emergency system, if approved by the Department, and if approved, would satisfy the requirements of Alyssa's Law, the SDA shall recommend that the Department approve the alternate emergency system, and if approval is granted by the Department, the SDA shall determine the school building to be in compliance with Alyssa's Law.

(c) The SDA shall provide the school district with a notice of compliance determination for all school buildings demonstrated to be in compliance with Alyssa's Law, and shall transmit such notice of its determinations to the school district and the Commissioner to facilitate grant applications for school security project grants.

19:32A-2.5 Grant funding available to facilitate Alyssa's Law compliance

In order to receive school security project grant funding available for compliance with Alyssa's Law, a school district shall apply to the

Commissioner for a school security project grant, pursuant to N.J.A.C. 6A:26A-4.

19:32A-2.6 Submission of certification upon completion of panic alarm or alternate emergency mechanism installations in compliance with Alyssa's Law

(a) When a school district completes an installation of a panic alarm or alternate emergency mechanism in satisfaction of Alyssa's Law at any school building previously included in a compliance plan in accordance with N.J.A.C. 19:32A-2.3(e), the school district shall submit, to the Authority, upon completion of the work, or at such other time as may be specified at N.J.A.C. 6A:26A-4, or in any grant agreement relating to such work, a certification of a law enforcement official as described at N.J.A.C. 19:32A-2.3(d)3.

(b) The school district shall submit any other documentation reasonably requested by the Authority to demonstrate a previously non-compliant school building's compliance with Alyssa's Law, in order to permit the Authority to update its compliance determination for the school district to include newly-compliant school buildings.

(c) The Authority shall provide an updated notice of compliance determination to the school district and to the Department, upon the school district's submission of documentation under this section, as additional panic alarm or alternate emergency mechanism installations are completed, if the documentation submitted is sufficient to demonstrate a school building's compliance with Alyssa's Law.

SUBCHAPTER 3. APPEALS

19:32A-3.1 Appeals

(a) School districts may appeal decisions or determinations of the Authority under this chapter, and such appeals shall be requested in writing, and an opportunity given for an informal hearing on the papers, in person, or by telephone with Authority staff. Such written request for an informal hearing must be made within 30 days of the receipt of the Authority's decision.

(b) In the event of an adverse decision after an informal hearing under (a) above, or if a school district determines not to seek an informal hearing, and providing further, that the dispute or controversy is a contested case, as defined at N.J.S.A. 52:14B-2(b), a district may request, within 45 days of the written decision resulting from the informal hearing or the determination of the Authority if an informal hearing is not sought, a formal hearing.

(c) Upon filing of the initial pleading in a contested case, the Board of the Authority may, by resolution, either retain the matter for a hearing directly or transmit the matter for a hearing before the Office of Administrative Law. Such hearings shall be governed by the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) Every determination of a dispute or controversy arising from this chapter by the Authority, constituting final agency action by the Board, shall be embodied in a written decision, which shall set forth findings of fact and conclusions of law pursuant to the applicable rules of the Office of Administrative Law.

OTHER AGENCIES

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Procedures for Compliance with Alyssa's Law

Adopted New Rules: N.J.A.C. 19:32A 1.1 to 3.1

Proposed: December 16, 2019 at 51 N.J.R. 1851(a)

Adopted: DATE by the New Jersey Schools Development Authority,

Manuel M. DaSilva, Chief Executive Officer

Filed: [DATE] as R. 2021 d.____, **without change**.

Authority: P.L. 2019 c. 33.

Effective date: [PUBLICATION DATE], 2021;

Expiration date: [PUBLICATION DATE], 2028.

Summary of Public Comment and Agency Response: The official comment period ended February 14, 2020. The Authority received comments from the following individuals:

1. Michael Vrancik, Director of Governmental Relations, New Jersey School Boards Association
2. Caryn Anderson, Assistant Business Administrator, Howell Township Board of Education
3. Assemblyman Wayne P. D'Angelo
4. Assemblyman Gordon M. Johnson
5. Joseph R. Mazzarella, President, Mutualink, Inc.

The number in parentheses after each comment identifies the respective commenter(s) listed above.

1. The commenter asks the date by which districts must demonstrate compliance with Alyssa's Law. [1]

RESPONSE: As previously detailed in frequent internet notifications on both the New Jersey Schools Development Authority website as well as the Department of Education website, Districts were required to demonstrate compliance with Alyssa's Law or submit a proposal demonstrating a plan to become compliant under Alyssa's Law, by the grant application deadline of December 21, 2020, in order to be eligible for security grant funding under the Securing Our Children's Future Bond Act and regulations promulgated by the Department of Education for the administration of such grants. School districts that did not elect to apply for a school security project grant were required to apply for a compliance determination no later than 60 days after the grant application deadline.

2. The commenter asks whether under N.J.A.C. 19:32A-1.1- charter schools and renaissance schools must have panic alarms under the law. [1]

RESPONSE: The regulations proposed for adoption do not impose obligations on charter schools or renaissance schools.

3. The commenter asks whether under N.J.A.C. 19:32A-1.3 the definition of a "school building" includes temporary structures such as trailers and further asks whether such trailers must be compliant with Alyssa's Law. [1]

RESPONSE: A "school building" under N.J.A.C. 19:32A-1.3 is defined as a structure that "permanently houses" students. A temporary structure such as a classroom trailer is not considered a school building independently subject to Alyssa's Law requirements. A temporary structure such as a classroom trailer that provides temporary classroom space in support of a

permanent school building would be considered as ancillary to the school building it serves, and covered by the panic alarm or alternate emergency mechanism required by Alyssa's Law for such school building.

4. The commenter asks the date of the grant application deadline with reference to N.J.A.C. 19:32A-2.1(c), and further asks when is the last date to apply to the Authority for a compliance determination. The commenter asks what occurs if a district misses these deadlines. [1]

RESPONSE: The grant application deadline was December 21, 2020. Districts were required to demonstrate compliance with Alyssa's Law or must submit a proposal demonstrating a plan to become compliant under Alyssa's Law, by the grant application deadline, in order to be eligible for security grant funding under the Securing Our Children's Future Bond Act and regulations promulgated by the Department of Education for the administration of such grants. School districts that did not elect to apply for a school security project grant were required to apply for a compliance determination no later than 60 days after the grant application deadline. If a district missed these deadlines, such district would be ineligible to receive grant funding for installation of equipment or systems required to achieve compliance with Alyssa's Law.

5. The commenter asks with reference to N.J.A.C. 19:32A-2.3(c) whether the Authority will be providing a standard application form. [1]

RESPONSE: Yes, a standard form for requesting a compliance determination is provided through the DOE's Electronic Web-Enabled Grants System (EWEG).

6. The commenter notes that the application process requires a certification of the superintendent or business administrator, and asks for definitions of these positions to be included in N.J.A.C. 19:32A-1.3. [1]

RESPONSE: The regulations intend for the certifications to be executed by an official with authority to act for a given school district, which in SDA's understanding and experience is generally the district superintendent or business administrator. If districts do not employ personnel with those specified titles, SDA will accept certifications executed by persons with appropriate authority to act on behalf of a district; contact SDA to confirm acceptability of certifications issued by other employees or officials who have authority to execute certifications on behalf of a district. In light of the foregoing, no changes to the proposal will be made in response to this comment.

7. The commenter notes that applications will contain information regarding the nature and/or location of panic alarms or other mechanisms in the district, and recommends that the proposed regulations include an amendment concerning whether this information shall be an accessible public record under the Open Public Records Act, N.J.S.A. 47:1A-1, et seq. [1]

RESPONSE: To the extent that application materials are in the possession of the SDA, information regarding the nature and location of panic alarms or other emergency systems in a school facility would constitute building security information to be protected from disclosure under the Open Public Records Act pursuant to a homeland security exemption category contained in SDA's newly-adopted regulations governing Procedures for Access to Government Records at N.J.A.C. 19:33-1.1 et seq. The Procedures for Access to Government Records rules

will operate to protect the cited information from disclosure under the Open Public Records Act. No changes will be made to the proposal in response to this comment.

8. The commenter asks whether the application will require a board of education resolution as part of the application package. [1]

RESPONSE: No, a board of education resolution is not required as part of the school security grant application package.

9. The commenter refers to the Alyssa's Law Compliance and School Security Grant Preliminary Guidelines (hereafter, "Preliminary Guidelines") jointly issued by the Department of Education and SDA in advance of the opening of the application process for school security grants under the Securing Our Children's Future Bond Act, and notes that Section 1.2 of the Preliminary Guidelines requires that the "panic alarm" be a silent security system signal to law enforcement, but does not address the notification of building occupants in an emergent situation. The commenter asserts that "there needs to be a brief audible notification to ensure all occupants (staff, students, contractors, vendors, and visitors) are alerted in order to effectively initiate an emergency protocol within a school" and "the activation of the "silent alarm" to law enforcement should occur simultaneously with the audible notification". [2].

RESPONSE: To the extent that the comment relates to the content of the Preliminary Guidelines, the Preliminary Guidelines are not regulations and are not subject to a public comment process, pursuant to N.J.S.A. 52:14B-4(a)(3), in connection with the adoption of these rules. To the extent that the comment relates to the regulations proposed for adoption by SDA,

the SDA notes that under the proposed regulations, an audible alarm otherwise meeting the statutory and regulatory requirements would be eligible for consideration as an “alternative emergency mechanism,” subject to approval by DOE, and if approved, would satisfy the compliance requirement under the regulations proposed for adoption by SDA. No changes will be made to the proposal in response to this comment.

10. The commenter notes that while Alyssa’s Law was first proposed in 2012, the State School Security Task Force was mandated in 2013, and the final report of the Task Force was issued in October 2014. The commenter refers to the Alyssa’s Law Compliance and School Security Grant Preliminary Guidelines (hereafter, “Preliminary Guidelines”). The commenter takes issue with Section 1.2 of the Preliminary Guidelines which allows districts to “apply for retroactive reimbursement for costs incurred for Alyssa’s Law compliance, up to the district’s security grant allocation, if the eligible system was installed no earlier than January 01, 2016.” The commenter asserts that Howell Township Public School installed an emergency alert system in 2013 in order to be in compliance with the law, and asserts that districts that were “proactive in complying with the law should be entitled to retroactive reimbursement for the cost of emergency notification system prior to January 01, 2016, given 2012 was the year the law was proposed”. [2]

RESPONSE: To the extent that the comment relates to the content of the Preliminary Guidelines, the Preliminary Guidelines are not regulations and are not subject to a public comment process, pursuant to N.J.S.A. 52:14B-4(a)(3), in connection with the adoption of these rules. To the extent that the comment relates to the requirements and constraints of the school security grant program administered under regulations promulgated by DOE, the comment is beyond the scope of the proposed regulations promulgated by SDA. SDA notes that DOE has responded to a similar

comment from this commenter, included in the Notice of Adoption for DOE's rules at N.J.A.C. 6A:26A-1.1 et seq., published in the New Jersey Register at 52 N.J.R 694(a). No changes will be made to the proposal in response to this comment.

11. The commenter asserts that the Preliminary Guidelines offer as an example the integration of Smart phone and computer applications. These applications normally mandate a per-building annual service fee which, depending on the size of the district, can be a substantial burden on the budget. Since the APP technology is a recommendation with the guideline, how will Alyssa's Law address the funding of the annual costs for services rendered to remain compliant? [2]

RESPONSE: To the extent that the comment is concerned with the content of the Preliminary Guidelines, the Preliminary Guidelines are not regulations and are not subject to a public comment process, pursuant to N.J.S.A. 52:14B-4(a)(3), in connection with the adoption of these rules. To the extent that the comment relates to the requirements and constraints of the school security grant program administered under regulations promulgated by DOE, the comment is beyond the scope of the proposed regulations promulgated by SDA. SDA notes that DOE has responded to a similar comment from this commenter, included in the Notice of Adoption for DOE's rules at N.J.A.C. 6A:26A-1.1 et seq., published in the New Jersey Register at 52 N.J.R 694(a). No changes will be made to the proposal in response to this comment.

12. The commenter notes that “[u]sing multimedia interoperable systems as a communication tool transmits specific details during real-time emergencies, greatly assisting emergency responses.” The commenter asks if the list of examples of compliant systems at section

2.3 of the Preliminary Guidelines can be expanded to include “multimedia interoperable communication systems.” [3]

RESPONSE: To the extent that the comment is concerned with the content of the Preliminary Guidelines, the Preliminary Guidelines are not regulations and are not subject to a public comment process, pursuant to N.J.S.A. 52:14B-4(a)(3), in connection with the adoption of these rules. To the extent that the comment relates to the requirements and constraints of the school security grant program administered under regulations promulgated by DOE, the comment is beyond the scope of the proposed regulations promulgated by SDA. No changes will be made to the proposal in response to this comment.

13. The commenter states that “[t]he rules promulgated to implement Alyssa's Law and define panic alarms do not speak to additional communications tools that can be used in case of an emergency. More robust alarms exist which can provide law enforcement responding to a call with information about the situation inside the school. For instance, photos, videos, and location data can be transmitted to police once the panic alarm is activated, providing police and other first responders the best opportunity to prevent injury and damage. [4]

RESPONSE: To the extent that the comment relates to the content of the Preliminary Guidelines, the Preliminary Guidelines are not regulations and are not subject to a public comment process, pursuant to N.J.S.A. 52:14B-4(a)(3), in connection with the adoption of these rules. To the extent that the comment relates to the requirements and constraints of the school security grant program administered under regulations promulgated by DOE, the comment is beyond the scope of the proposed regulations promulgated by SDA. To the extent that the comment relates to the regulations proposed for adoption by SDA, the SDA notes that under the proposed regulations,

the additional communications tools referenced in the comment could be considered as a component of compliant system if such system otherwise satisfied the statutory and regulatory requirements for a “panic alarm” or “alternative emergency mechanism,” subject to approval by DOE, under the regulations proposed for adoption by SDA. No changes will be made to the proposal in response to this comment.

14. The commenter asks that cybersecurity requirements should be written into the regulations to prevent hackers from taking control of the system and causing harm. [4]

RESPONSE: To the extent that the comment relates to the requirements and constraints of the school security grant program administered under regulations promulgated by DOE, the comment is beyond the scope of the proposed regulations promulgated by SDA. To the extent that the comment relates to the regulations proposed for adoption by SDA, the SDA notes that in an effort to maintain maximum flexibility in meeting Alyssa’s Law compliance requirements, and to avoid technical obsolescence, SDA has refrained from prescribing technical requirements for panic alarms or alternative emergency systems beyond that which is specified in the statute. No changes will be made to the proposal in response to this comment.

15. The commenter asks the Department of Education and Schools Development Authority to consider requiring that purchases with Securing Our Children ' s Future Bond Act funds be SAFETY Act certified, when feasible. A SAFETY Act certification means that the Department of Homeland Security has tested the products and they have consistently proven their effectiveness. This certification ensures that taxpayer dollars are spent judiciously to purchase items that have been thoroughly tested and certified to work in an emergency. [4]

RESPONSE: To the extent that the comment relates to the requirements and constraints of the school security grant program administered under regulations promulgated by DOE, the comment is beyond the scope of the proposed regulations promulgated by SDA. To the extent that the comment relates to the regulations proposed for adoption by SDA, the SDA notes that in an effort to maintain maximum flexibility in meeting Alyssa’s Law compliance requirements, and to avoid technical obsolescence, SDA has refrained from prescribing technical requirements for panic alarms or alternative emergency systems beyond that which is specified in the statute. No changes will be made to the proposal in response to this comment.

16. With reference to N.J.A.C. 6A:26A, the commenter request that the Proposed Regulations be confirmed and clarified to include within the scope of the definition of “panic alarm”, intelligent panic alarm systems with multimedia interoperable communication systems that allow for instant coordinated communications and information sharing between public safety agencies and schools. [5]

RESPONSE: To the extent that the comment relates to the requirements and constraints of the school security grant program administered under regulations promulgated by DOE, the comment is beyond the scope of the proposed regulations promulgated by SDA. To the extent that the comment relates to the regulations proposed for adoption by SDA, the SDA notes that under the proposed regulations, the “multimedia interoperable communication systems” referenced in the comment could be considered as a component of a compliant system if such system otherwise satisfied the statutory and regulatory requirements for a “panic alarm” or “alternative emergency mechanism,” subject to approval by DOE, under the regulations proposed for adoption by SDA. No changes will be made to the proposal in response to this comment.

17. With reference to Section 1.2 of the Preliminary Guidelines, the commenter recommends a modification of the Guidelines to add “multimedia interoperable communications” to the list of “Examples of Systems to Address Alyssa’s Law Compliance.” [5]

RESPONSE: To the extent that the comment relates to the content of the Preliminary Guidelines, the Preliminary Guidelines are not regulations and are not subject to a public comment process, pursuant to N.J.S.A. 52:14B-4(a)(3), in connection with the adoption of these rules. To the extent that the comment relates to the requirements and constraints of the school security grant program administered under regulations promulgated by DOE, the comment is beyond the scope of the proposed regulations promulgated by SDA. To the extent that the comment relates to the regulations proposed for adoption by SDA, the SDA notes that under the proposed regulations, the “multimedia interoperable communication systems” referenced in the comment could be considered as a component of a compliant system if such system otherwise satisfied the statutory and regulatory requirements for a “panic alarm” or “alternative emergency mechanism,” subject to approval by DOE, under the regulations proposed for adoption by SDA. No changes will be made to the proposal in response to this comment.

18. The commenter recommends that the NJDOE/NJSDA consider adding a requirement or preference for *Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act)* certified technologies. [5]

RESPONSE: To the extent that the comment relates to the requirements and constraints of the school security grant program administered under regulations promulgated by DOE, the comment is beyond the scope of the proposed regulations promulgated by SDA. To the extent that the comment relates to the regulations proposed for adoption by SDA, the SDA notes that in

an effort to maintain maximum flexibility in meeting Alyssa’s Law compliance requirements, and to avoid technical obsolescence, SDA has refrained from prescribing technical requirements for panic alarms or alternative emergency systems beyond that which is specified in the statute. No changes will be made to the proposal in response to this comment.

19. The commenter expresses concerns with “unauthorized breaches of emergency systems” and recommends that the NJDOE/NJSDA require that any alarm or communications signal “be encrypted at not less than an AES 256 encryption level and that any system be able to demonstrate the ability to log events to the device identity and/or user level.” [5]

RESPONSE: To the extent that the comment relates to the requirements and constraints of the school security grant program administered under regulations promulgated by DOE, the comment is beyond the scope of the proposed regulations promulgated by SDA. To the extent that the comment relates to the regulations proposed for adoption by SDA, the SDA notes that in an effort to maintain maximum flexibility in meeting Alyssa’s Law compliance requirements, and to avoid technical obsolescence, SDA has refrained from prescribing technical requirements for panic alarms or alternative emergency systems beyond that which is specified in the statute. No changes will be made to the proposal in response to this comment.

20. With reference to Section 23 of the Preliminary Guidelines, titled “N.J.S.A. 18A:7G-5.2 School Security Upgrades and Eligible Work for Grant Funding” The commenter requests that DOE “consider clarifying and adding “multimedia interoperable communications systems” to its eligibility list under Part B, Section 2.3 – Building of the Preliminary Guidelines” in the description of a “secure vestibule.” [5]

RESPONSE: To the extent that the comment relates to the content of the Preliminary Guidelines, the Preliminary Guidelines are not regulations and are not subject to a public comment process, pursuant to N.J.S.A. 52:14B-4(a)(3), in connection with the adoption of these rules. To the extent that the comment relates to the requirements and constraints of the school security grant program administered under regulations promulgated by DOE, the comment is beyond the scope of the proposed regulations promulgated by SDA. No changes will be made to the proposal in response to this comment.

Federal Standards Statement

A Federal standards analysis is not required because the proposed new rules implement the requirements of a State statute, specifically N.J.S.A. 18A:41-10 et seq. (Alyssa's Law). There are no Federal standards or requirements applicable to this subchapter.

Full text of the adoption follows:

TEXT

Resolution—6c.

Adoption of New Rules: Procedures for Compliance with Alyssa’s Law, N.J.A.C. 19:32A

Resolution

WHEREAS, P.L. 2007, 137 (N.J.S.A. 52:18A-238(k)) requires that the Members of the New Jersey Schools Development Authority (SDA or the Authority) adopt, amend and repeal rules and regulations to carry out the provisions of P.L. 2000, c. 72 (C. 18A:7G-13e) and P.L. 2007, c. 137 (C. 52:18A-238k); and

WHEREAS, on February 6, 2019, “Alyssa’s Law” (P.L. 2019, c. 33) was enacted, requiring that each public elementary and secondary school building in the state be equipped with a panic alarm to alert law enforcement in the event of a school security emergency; and

WHEREAS, Alyssa’s Law provided that funding for compliance with the panic alarm requirement would be made available through the proceeds of bonds issued under the Securing Our Children’s Future Bond Act, P.L. 2018 c. 119; and

WHEREAS, Alyssa’s Law further required that the SDA adopt regulations, to be effective immediately upon filing and for a period of six months, thereafter to be formally amended or adopted, in order to establish a program to effectuate the purposes of Alyssa’s Law; and

WHEREAS, SDA, in conjunction with the Commissioner of the Department of Education (DOE) has developed rules (the Rules) for implementing a program to allow SDA to assess school districts’ compliance with the requirements of Alyssa’s Law with respect to each school building in each district; and

WHEREAS, in November 2019, the Members of the Authority authorized management to proceed with the filing of a Notice of Special Adoption and Concurrent Proposal of the Rules, captioned “Procedures for Compliance with Alyssa’s Law”; and

WHEREAS, upon the filing of the Notice of Special Adoption and Concurrent Proposal with the Office of Administrative Law, Rules Division, the Rules were immediately adopted with no public comment period, for a period of six months; and

WHEREAS, the Rules concurrently were proposed for publication and public comment to facilitate their adoption in the normal course, effective for a standard seven-year expiration period upon final adoption; and

WHEREAS, under the concurrent proposal, the new rules were subject to a 60-day public comment period ending February 14, 2020, and several comments were received during that period; and

WHEREAS, SDA staff drafted responses to the comments received for inclusion in the Notice of Adoption along with the comments themselves; and

WHEREAS, those responses have been shared with, and approved by, the state Department of Education and it was determined that none of the comments received requires a response that necessitates a change in the rules as proposed; and

WHEREAS, the form of the Rules, as proposed for approval by the Members of the Authority on this date for final adoption are unchanged from the original proposal as previously approved by the Board and published in the New Jersey Register; and

WHEREAS, SDA management recommends that the Members of the Authority authorize and approve the filing of the Notice of Adoption with respect to the concurrent Proposal of the attached Rules, captioned “Procedures for Compliance with Alyssa’s Law”, and final adoption of the Rules as presented to the Board on this date, consistent with the provisions of the Board memorandum as incorporated herein.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the filing of the Notice of Adoption with respect to the concurrent Proposal of the Rules captioned “Procedures for Compliance with Alyssa’s Law”, and final adoption of the Rules as presented to the Board on this date, consistent with the provisions of the Board memorandum as incorporated herein.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve same, in which case such action shall become effective upon such approval.

Attached: Memorandum, Adoption of New Rules: Procedures for Compliance with Alyssa’s Law,
N.J.A.C. 19:32A, dated April 7, 2021

Dated: April 7, 2021

MONTHLY REPORTS
(For Informational Purposes)

ACTIVE PROJECTS STATUS REPORT



STATE OF NEW JERSEY

SCHOOLS DEVELOPMENT AUTHORITY

MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director

DATE: April 7, 2021

SUBJECT: Active Project Status Report
(For Informational Purposes Only)

The 1st section of the report includes an Activities Summary of projects identified for advancement in the Authority's Capital Plans.

The 2nd part of the report displays project completion milestones for all other active major capital projects and emergent projects for which a contract for construction has been awarded.

2011 & 2012 Portfolio Projects Activities Summary

as of 3/23/21

2011 Portfolio Projects - sorted by District

1

District	Project	Grade Alignment	FES Capacity	Max. Capacity	Total Estimated Cost (millions)	Design Status	Advancement Status	Projected Construction Advertisement Date*
Bridgeton	Buckshutem ES	K-8	581	645	\$23.3	Kit of Parts/ Design-Build	School occupied Sep. 2016. (Bock)	5/31/13
Bridgeton	Quarter Mile Lane ES	PK-8	731	795	\$39.0	Kit of Parts/ Design-Build	School occupied Sep. 2017. (Bock)	5/31/13
Elizabeth	Frank J. Cicarell Academy (Academic HS)	9-12	1,091	1,284	\$64.1	Existing Design	School occupied Sep. 2016. (Patock)	12/8/11 7/11/12
Jersey City	Patricia M. Noonan ES (ES 3)	PK-5	778	848	\$54.0	Kit of Parts/ Design-Build	School occupied Sep. 2017. (Dobco, Inc.)	6/25/12 2/25/13
Jersey City	Dr. Maya Angelou PS #20	K-5	628	698	\$49.3	Existing Design	School occupied Sep. 2016. (Dobco, Inc.)	4/17/12 3/6/13
Long Branch	Catrambone ES	PK-5	794	867	\$40.0	Existing Design	School occupied Sep. 2014. (Terminal Construction)	12/20/11
New Brunswick	Redshaw ES	PK-5	906	990	\$51.2	Kit of Parts/ Design-Build	School occupied Jan. 2015. (Hall Construction)	5/29/12
Newark	Oliver St. ES	PK-8	848	932	\$73.6	Kit of Parts/ Design-Build	School occupied May 2016. (Epic Management)	6/27/12 11/29/12
Paterson	Dr. Hani Awadallah ES (Marshall St. ES)	K-8	650	722	\$55.2	Existing Design	School occupied Sep. 2016. (Dobco, Inc.)	6/13/12 2/12/13
Paterson	PS 16	PK-8	641	705	\$62.4	Kit of Parts/ Design-Build	School occupied Sep. 2016. (Hall Construction)	3/27/12 8/28/13
West New York	Harry L. Bain PS 6	PK-6	736	814	\$16.8	Design-Bid-Build	School occupied Sep. 2017. (Paul Otto)	2/27/12 12/29/15

***PLEASE NOTE** - Dates in the Past are ACTUAL. Includes Advertisement dates for Early Site Preparation Construction & School Construction where applicable.

NOTE # 1 - Estimated Costs, Grade Alignment and Capacity are based upon approved Project Charters where applicable. For projects without an approved charter, Estimated Costs, Grade Alignment and Capacity are based upon Planning Assumptions. Recommendations of DOE/SDA/District Working Groups may impact this information in the future.

2011 & 2012 Portfolio Projects Activities Summary

as of 3/23/21

2012 Portfolio Projects - sorted by District

1

District	Project	Grade Alignment	FES Capacity	Max. Capacity	Total Estimated Cost (millions)	Design Status	Advancement Status	Projected Construction Advertisement Date*
Gloucester City	Elementary/Middle School	4-8	687	763	\$65.3	Kit of Parts/ Design-Build	School occupied Sep. 2017. (Terminal)	3/4/14
Keansburg	Caruso ES	K-4	758	842	\$50.9	Kit of Parts/ Design-Build	School occupied Sep. 2016. (Hall Construction)	10/20/11 6/27/13
Keansburg	Port Monmouth Road School	PK	318	318	\$28.4	Design-Bid-Build	Award for D-B approved Nov. 2019 Board. (Niram)	6/24/19
New Brunswick	Robeson ES	PK-5	823	893	\$48.5	Kit of Parts/ Design-Build	School occupied Sep. 2018. (Hall Construction)	4/22/15
Newark	Elliot Street ES	PK-8	848	932	\$46.7	Kit of Parts/ Design-Build	School occupied Jan. 2016. (Hall Construction)	12/27/12
Newark	South Street ES	PK-8	597	657	\$69.9	Kit of Parts/ Design-Build	School occupied Sep. 2018. (Bock)	6/28/13 6/29/15
Passaic	Dayton Ave. Campus	PK-8	2,760	3,020	\$240.9	Kit of Parts/ Design-Build	Award for D-B approved Nov. 2017 Board. (Terminal)	6/13/17
Phillipsburg	High School	9-12	1,846	2,172	\$127.5	Existing Design	School occupied Sep. 2016. (Epic Management)	9/27/12
West New York	Memorial HS	9-12	1,859	2,194	\$16.0	Alternative Delivery (acquisition) & Renovation	Acquisition of Existing St. Joseph's HS complete. Renovation work delegated to District via Grant.	n/a

***PLEASE NOTE** - Dates in the Past are ACTUAL. Includes Advertisement dates for Early Site Preparation Construction & School Construction where applicable.
NOTE # 1 - Estimated Costs, Grade Alignment and Capacity are based upon approved Project Charters where applicable. For projects without an approved charter, Estimated Costs, Grade Alignment and Capacity are based upon Planning Assumptions.
 Recommendations of DOE/SDA/District Working Groups may impact this information in the future.

2011 & 2012 Portfolio Projects Activities Summary

as of 3/23/21

2012 Portfolio Projects (Educational Priority that require further conversations with District & 2013 Amended Projects) - sorted by District

1								
District	Project	Grade Alignment	FES Capacity	Max. Capacity	Total Estimated Cost (millions)	Design Status	Advancement Status	Projected Construction Advertisement Date*
East Orange	Sheila Y. Oliver Academy (GW Carver ES)	PK-5	470	512	\$41.2	Kit of Parts/ Design-Build	School delivered Sep. 2020 (Dobco)	4/26/16 1/20/17
Elizabeth	New ES @ Halloran PS #22 ES Site	2-8	860	956	\$55.3	Kit of Parts/ Design-Build	School occupied Sep. 2017. (Torcon)	6/9/14
Garfield	James Madison ES	K-5	275	305	\$29.7	Existing Design	School occupied Sep. 2018. (Brockwell & Carrington)	2/19/14 6/30/15
Harrison	New ES	PK - 1	392	432	\$36.1	Kit of Parts/ Design-Build	School delivered Nov. 2020 (Dobco)	11/10/15 7/13/16
Irvington	Madison Avenue ES	PK-5	463	504	\$38.6	Kit of Parts/ Design-Build	School occupied Sep. 2019. (Bock)	11/19/15 8/16/16
Millville	Senior HS Addition/Renovation	HS	2,026	2,384	\$137.5	Design-Build	Award for D-B approved Apr. 2017 Board. (Hall Construction)	9/30/16
Passaic	Sonia Sotomayor ES (New ES @ Leonard Place)	K-5	628	698	\$55.9	Kit of Parts/ Design-Build	School occupied Sep. 2019. (Dobco, Inc.)	8/13/15
Paterson	New MS @ Union Ave.	6-8	996	1107	\$113.9	Design-Build	Award for D-B approved Sep. 2018 Board. (Epic Management)	3/2/17 4/26/18
Pemberton	Denbo-Crichton ES	PK-5	846	930	\$58.7	Design-Build	School delivered Sep. 2020. (Bock)	3/1/17 9/13/17
Perth Amboy	High School	HS	2,800	3,295	\$283.8	Design-Build	Award for D-B approved Nov. 2019 Board. (Terminal)	3/26/19
Perth Amboy	Rose M. Lopez ES (Seaman Avenue ES)	K-5	724	804	\$56.4	Kit of Parts/ Design-Build	School occupied Sep. 2019. (Epic Management).	2/3/16
Plainfield	New Woodland ES	K-5	756	840	\$59.4	Kit of Parts/ Design-Build	Award for D-B approved Feb. 2020 Board. (Epic Management)	5/23/18 8/29/19
Union City	New Grade 7 to 9 School	7-9	756	840	\$75.5	Kit of Parts/ Design-Build	Revised Preliminary Charter approved Dec. 2019 Board.	TBD
Vineland	Lincoln Ave. MS (New MS)	6-8	562	624	\$49.8	Kit of Parts/ Design-Build	School occupied Sep. 2018. (Bock).	9/24/15

***PLEASE NOTE** - Dates in the Past are ACTUAL. Includes Advertisement dates for Early Site Preparation Construction & School Construction where applicable.
NOTE # 1 - Estimated Costs, Grade Alignment and Capacity are based upon approved Project Charters where applicable. For projects without an approved charter, Estimated Costs, Grade Alignment and Capacity are based upon Planning Assumptions.
 Recommendations of DOE/SDA/District Working Groups may impact this information in the future.

2011 & 2012 Portfolio Projects Activities Summary

as of 3/23/21

2012 Portfolio Projects (Facilities Deficiencies) - sorted by District

1								
District	Project	Grade Alignment	FES Capacity	Max. Capacity	Total Estimated Cost (millions)	Design Status	Advancement Status	Projected Construction Advertisement Date*
Camden	High School	9-12	1,244	1,468	\$132.6	Design-Build	Award for D-B approved Aug. 2018 Board. (Bock)	6/9/17 3/23/18
Hoboken	Demarest ES	ES	TBD	TBD	TBD	Design-Bid-Build	Pre-Design Services ongoing.	TBD
Orange	Cleveland St. ES	PK-6	316	348	\$33.2	Design-Bid-Build	Award for GC approved Mar. 2019 Board. (Brockwell & Carrington)	9/10/18 11/14/18
Orange	High School	9-12	1,440	1,694	\$51.9	Design-Bid-Build	Award for GC approved Mar. 2019 Board. (Terminal)	10/12/18
Trenton	Central HS	10-12	1,850	2,176	\$155.4	Design-Build	School occupied Sep. 2019. (Terminal)	12/19/14 9/29/15

***PLEASE NOTE** - Dates in the Past are ACTUAL. Includes Advertisement dates for Early Site Preparation Construction & School Construction where applicable.

NOTE # 1 - Estimated Costs, Grade Alignment and Capacity are based upon approved Project Charters where applicable. For projects without an approved charter, Estimated Costs, Grade Alignment and Capacity are based upon Planning Assumptions. Recommendations of DOE/SDA/District Working Groups may impact this information in the future.

Active Project Status Report

Status as of 3/1/2021

Major Capital Projects - With Contract for Building Construction Awarded

#	District	Project Name	Project Scope	Project Status	Substantial Completion	Status Substantial Completion	School Opening	Status of School Opening	Total Estimated Project Cost
1	Camden	New Camden High School	New Construction	Construction	3Q 2021	On-target	Sep-21	On-target	\$ 132,569,255
2	City of Orange	Cleveland Street ES	Addition/Renovation	Construction	3Q 2021	On-target	Sep-21	On-target	\$ 34,978,332
3	City of Orange	Orange High School	Addition/Renovation	Construction	2Q 2022	On-target	Phased	On-target	\$ 51,931,218
4	Harrison	New Elementary School	New Construction	Construction	1Q 2021	On-target	4Q 2020	Achieved	\$ 36,115,640
5	Keansburg	Port Monmouth Road School	Addition/Renovation	Construction	2Q 2022	On-target	Sep-22	On-target	\$ 28,440,130
6	Millville	Millville Senior High School	Addition/Renovation	Construction	3Q 2022	On-target	Phased	On-target	\$ 137,503,832
7	Passaic City	New Dayton Avenue Educational Campus	New Construction	Construction	2Q 2022	On-target	Sep-22	On-target	\$ 240,923,270
8	Paterson	New Union Ave MS	New Construction	Construction	2Q 2021	On-target	Sep-21	On-target	\$ 113,902,274
9	Perth Amboy	New High School	New Construction	Construction	2Q 2024	On-target	Sep-24	On-target	\$ 283,830,000
10	Plainfield	New Woodland ES	New Construction	Design-Build Design Phase	3Q 2022	On-target	Sep-22	On-target	\$ 59,440,000

Active Project Status Report Status as of 3/1/2021

Emergent Projects - With Contract for Construction Awarded

#	District	Project Name	Project Scope	Project Phase	Substantial Completion	Status Substantial Completion	Final Completion	Status of Final Completion	Total Estimated Project Cost
1	Bridgeton	Bridgeton Senior HS	Roof Replacement & Masonry Repairs	Construction	3Q 2021	On Target	4Q 2021	On-Target	\$ 9,842,000
2	Newark	Lafayette Street School	Exterior Doors & Roofing	Substantial Completion	2Q 2020	Achieved	1Q 2021	On-Target	\$ 658,129

PROJECT CLOSEOUT STATUS REPORT



To: Members of the Authority

From: /s/ Ayisha Cooper, Vendor Services Analyst

Date: April 7, 2021

Subject: Project Close-Out Status Report

The attached report provides a status of the following:

- All SDA managed Capital Plan projects which have achieved school occupancy but have not yet been contractually and administratively closed
- All SDA managed Emergent projects which are either (1) currently active, or (2) complete yet have not been contractually and administratively closed
- Projects which have achieved project transfer to the district yet have outstanding open contracts
- A running total of all school facilities projects, health and safety contracts, and suspended design contracts which have been closed

Projects closed since the last report will appear highlighted.

PROJECT STATUS REPORT - As of March 1, 2021

Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Bridgeton					
2016	0540-050-13-0ACN	Buckshutem Road Elementary School			
2017	0540-100-13-0ACO	Quarter Mile Lane Elementary School			
Burlington City					
2007	0600-020-01-0957	New High School	Project Transferred	12/29/11	Open contract(s)
Camden					
2009	0680-350-01-0938	HB Wilson Elementary School	Project Transferred	04/14/10	Open contract(s)
East Orange					
2020	1210-060-02-0296	Sheila Y. Oliver Academy (aka GW Carver ES)			
Egg Harbor City					
2010	1300-X01-04-0ADY	New Middle School	Project Transferred	01/01/12	Open contract(s)
Egg Harbor Township					
2011	1310-005-04-0AEB	Egg Harbor Township High School			
Elizabeth					
2017	1320-N20-13-0AEG	Halloran Elementary School	Project Transferred	06/12/18	Open contract(s)
2016	1320-X07-01-0867	Frank J. Cicarell Academy (New Academic HS)	Project Transferred	07/18/19	Open contract(s)
2013	1320-240-03-0339	Victor Mravlag Elementary School # 21	Project Transferred	08/27/19	Open contract(s) - Legal matter pending
Garfield					
2018	1700-205-03-0315	James Madison Elementary School #10			
Gloucester City					
Legacy	1770-160-01-0245	Cold Springs Elementary School	Project Transferred	06/05/09	Open contract(s)
2017	1770-N01-03-0188	Gloucester City Middle School	Project Transferred	04/17/18	Open contract(s)
Harrison					
2020	2060-N03-15-0AEJ	Kennedy Elementary School (New Harrison ES)			
Irvington					
2019	2330-120-03-0755	Madison Avenue Elementary School			
Jersey City					
Legacy	2390-N01-99-0227	New Elementary School #3 (Frank R. Conwell ES #3)	Project Transferred	12/19/15	Open contract(s) - Legal matter pending
Legacy	2390-N02-99-0228	Jersey City Middle School # 4 (Frank R. Conwell MS #4)	Project Transferred	12/19/15	Open contract(s) - Legal matter pending
2016	2390-190-01-0581	New Public School #20	Project Transferred	08/11/17	Open contract(s)
2017	2390-X03-01-0587	Patricia M. Noonan ES (New PS #3)	Project Transferred	12/14/17	Open contract(s)
2007	2390-N03-99-0147	Heights Middle School #7			
Keansburg					
2016	2400-E01-02-0116	New Caruso Elementary School	Project Transferred	08/13/18	Open contract(s)

PROJECT STATUS REPORT - As of March 1, 2021

Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Millville					
2020	3230-050-13-0AEF	Millville High School			
Newark					
Legacy	3570-X01-01-0617	Science Park	Project Transferred	05/03/13	Open contract(s)
2010	3570-X07-01-0693	Speedway Elementary School	Project Transferred	10/21/15	Open contract(s)
2016	3570-590-02-0315	Oliver Street Elementary School	Project Transferred	05/18/17	Open contract(s)
2018	3570-640-02-0311	South Street ES			
Passaic					
2015	3970-X01-01-X760	New Henry Street Elementary School			
2019	3970-N11-07-0DAY	Leonard Place Elementary School			
Paterson					
2016	4010-N01-02-0169	Dr. Hami Awadallah School (New Marshall Street ES)	Project Transferred	03/15/18	Open Contract(s)
2008	4010 -S01-02-0101	International High School			
Pemberton					
2011	4050-E01-02-0082	Pemberton Early Childhood Education Center	Project Transferred	02/01/13	Open contract(s)
2020	4050-130-15-0AEL	Denbo-Crichton Elementary School			
Perth Amboy					
2019	4090-N01-98-0325	Seaman Avenue Elementary School			
Phillipsburg					
2016	4100-X01-99-0464	New High School	Project Transferred	06/07/18	Open contract(s)
Trenton					
2019	5210-050-13-0AEH	Trenton Central High School			
Vineland					
2018	5390-N02-02-0245	Lincoln Avenue Middle School			
West New York					
2009	5670-065-01-0559	Elementary School #2	Project Transferred	05/14/13	Open contract(s)
Capital and Demonstration Projects Totals					
Total Capital and Demonstration Projects			159		
Closed Capital and Demonstration Projects			122		
Capital and Demonstration Projects Not Closed			37		
Capital and Demonstration Projects Not Closed, Project Transferred			19		
Legal Matter			3		
Miscellaneous			16		

PROJECT STATUS REPORT - As of March 1, 2021

Year of Occupancy	DOE #	School	Disposition	Project Transfer Date	Outstanding Issues Preventing Complete Close-out
Emergent Projects					
Camden					
	0680-170-12-0ACF	Cramer Elementary School			
Newark					
	3570-301-17-0AES	Marin - HVAC			
	3570-415-17-0AER	Dr. E. Alma Flagg E.S. - Doors and Roofing			
	3570-460-17-0AEZ	Hawkins ES - Chimney Repairs			
	3570-480-17-0AET	Lafayette - Doors and Roofing			
	3570-750-17-0BBC	Wilson School Annex - Chimney			
Paterson					
	4010-N02-12-0ABX	Roberto Clemente ES			
Plainfield					
	4160-050-17-0BBD	Plainfield High School			
Vineland					
	5390-050-12-0ACK	Vineland High School South			
Emergent Project Totals					
Total Emergent Projects			79		
Emergent Projects Closed			70		
Emergent Projects Not Closed			9		
Emergent Projects Not Closed but Transferred			0		
Health and Safety Contract Totals					
Total Contracts			399		
# of Contracts Closed			394		
# of Open Contracts			5		
Open Design Contracts					
Total Contracts			109		
# of Contracts Closed			98		
# of Open Contracts			11		

PROJECT STATUS REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director – Program Operations

DATE: April 7, 2021

SUBJECT: Executive Summary – Monthly Project Status Reports

MONTHLY PROJECT STATUS REPORT

Projects that have Expended 75% or More of Board Approved Contingency:

No activity during the reporting period

Projects Greater than 90 Days Behind Schedule:

No activity during the reporting period

Revisions to Project Charters:

No activity during the reporting period

Projects that have Expended 75% or More of Board Approved Contingency

Reporting Period: January 2008 to February 2021

District	Project	Board Approved Project Charter Contingency	Contingency Expended/Committed	Contingency Remaining ¹	% of Contingency Expended/Committed	Project Completion %	Cause(s)	Current Status
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In Construction

NO DATA TO REPORT

Substantially Complete & Building Occupied

Please refer to the Project Close-Out Activity Report for status of close-out activities

Newark	Speedway Avenue E.S.	\$1,826,000	\$1,754,119	\$71,881	96.1%	99%	1. Removal of unforeseen impacted materials	Project complete and building occupied. Project close-out pending resolution of open contracts.
West New York	West New York P.S. #2	\$2,708,883	\$2,708,883	\$0	100.0%	99%	1. Unforeseen site foundation issues	Project complete and building occupied. Project close-out pending resolution of open contracts.

¹ Does not include expended contingency or contingency funds allocated for change orders, amendments

Projects Greater than 90 Days Behind Schedule or with Occupancy Date in Jeopardy

Reporting Period: February 2021

#	Event Date	District	Project	Board Approved Project Charter SubComp Date	Current Contract SubComp Date	Forecasted Contract SubComp Date	# of Days Behind Schedule	Cause(s)	Current Status
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No Activity During the Reporting Period

Revisions to Project Charters

Reporting Period: February 2021

#	District	Project	Financial & Schedule Impacts	Additional Funds Approved	Additional Funds as % of Total Project Budget	Operating Authority Approval Requirement	Description of Revision
No Activity During the Reporting Period							

CONTRACTS EXECUTED REPORT/AMENDMENTS & CHANGE ORDERS REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director, Program Operations

DATE: April 7, 2021

SUBJECT: Contracts Executed Report and Amendments & Change Orders Report
(For Informational Purposes Only)

Contracts Executed Report

This report contains the activity of Contracts executed during the period February 1 through February 28, 2021.

Noteworthy Items during the reporting period:

- No noteworthy items during the reporting period.

Amendments & Change Orders Report

This report contains the activity of Amendments and Change Orders executed during the period February 1 through February 28, 2021.

Noteworthy Items during the reporting period:

- 2 Professional Services Amendments were executed during the reporting period totaling \$51k, of the 2 executed amendments none required Board Approval.
- 3 Construction Services Change Order were executed during the reporting period totaling a credit of \$44k, of the 3 executed change orders none required Board Approval.

Report of change orders less than \$10,000 yet requiring Board Approval

In accordance with the Operating Authority adopted by the Members on December 1, 2010 as amended on March 7, 2012, the Members are to be provided a report of any change order which received delegated approval by the CEO due to the fact that they are valued at less than \$10,000 yet require Board approval due the total change orders exceeding 10% of the contract value.

- No Activity to Report

Amendments & Change Orders Report

Reporting Period: 2/1/2021 through: 2/28/2021

District	School Name(s)	Contract Number	Contract Execution Date	CO #	Vendor Name	CO Execution Date	Contract Award Amount	Prior CO's (cumulative)	Current CO Amount	Board Approval Required	Board Approval Date	Revised Contract Amount	Cumulative CO %	
Professional Services														
Design Consultant														
Keansburg Borough	Port Monmouth Road School	ET-0098-A01	3/9/2016	8	Lan Associates, Engineering, Planning, A	2/12/2021	\$2,047,296	\$181,821	\$11,005			\$2,240,122	9.42%	
Newark	New Science Park HS	NE-0071-A01	4/1/2014	3	USA Architects, Planners + Interior Designers, Ltd	2/18/2021	\$311,140	\$106,372	\$40,160			\$457,672	47.09%	
Design Consultant														
Professional Services														
									\$51,165					
Construction Services														
Contractor														
Passaic City	Dayton Ave. Educational Campus	NT-0052-B01	1/2/2018	25	Terminal Construction Corp.	2/12/2021	\$163,560,000	(\$134,549)	(\$38,339)			\$163,387,112	-0.10%	
Passaic City	Dayton Ave. Educational Campus	NT-0052-B01	1/2/2018	26	Terminal Construction Corp.	2/12/2021	\$163,560,000	(\$172,888)	(\$10,000)			\$163,377,112	-0.11%	
Paterson	Union Avenue Middle School E.S.	PA-0011-B01	10/18/2018	6	Epic Management, Inc.	2/23/2021	\$57,932,000	\$188,154	\$4,424			\$58,124,578	0.33%	
Contractor														
Construction Services														
									(\$43,915)					
										Total Change Order Summary				
Grand Totals										\$7,250	Total Change Orders			
											5			

Column Description Legend

CO Execution Date	Date the Change Order was entered into the SIMS system
Revised Contract Amount	Current value of the contract (excluding additional assignments) including current change order

CONTRACT TERMINATIONS REPORT *(no activity)*

SETTLEMENT CLAIMS *(no activity)*

DIVERSITY AND WORKFORCE PARTICIPATION REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Karon L. Simmonds, Director, Risk Management

DATE: April 7, 2021

SUBJECT: Diversity and Workforce Participation Monthly Update for January 2021

The Risk Management staff continues to participate at mandatory pre-bid and pre-construction meetings to instruct and inform bidders regarding SDA’s Small Business Enterprise (SBE) and Workforce goals, policies and procedures, including:

- SBE subcontracting goal of 25% of all contracts
- County workforce goals for minorities and females
- Local county workforce goals for minorities and females
- Detailed process procedures to monitor and track the progress made toward these goals throughout the life cycle of each project

At these meetings, vendors are strongly encouraged to identify and hire minority-owned and women-owned firms, as well as locally-based enterprises, for diverse business participation on all school building projects. Additional outreach strategies are discussed and utilized.

SMALL BUSINESS ENTERPRISE ATTAINMENT

The SDA regularly exceeds the State-mandated 25% SBE goal. The total SDA contract dollars awarded through January 31, 2021 was \$0.00. The total contract dollars awarded to all SBE contractors was \$0.00 (including minorities, women and veterans). This represents an initial participation of 0.00% of all SDA contracts awarded in 2021. Participation will continue to increase as the Prime contractor continues to hire additional subcontractors/subconsultants through the lifecycle of the construction project.

Diversity Breakdown

Type of Business Enterprise	Contract Amount	% of Total SDA Contracts
Small Business Enterprises	\$ -0-	0.00%
Small/ Minority Business Enterprises	\$ -0-	0.00%
Small/Women Business Enterprises	\$ -0-	0.00%
Small/Veteran Owned Business Enterprises	\$ -0-	0.00%
Small/Minority/Women Business Enterprises	\$ -0-	0.00%
TOTAL DIVERSITY CONTRACTS	\$ -0-	0.00%

WORKFORCE PARTICIPATION

For the month of January 2021, there was a contractor workforce of 863 on SDA projects. This represents a total of 81,474 contractor workforce hours as follows:

Contractor Workforce Breakdown (All Trades/Districts/Counties)			
Ethnicity	Total Workforce	Total Workforce Hours	Workforce Hours Percentage
Black	63	5,905	8.19%
Hispanic	156	16,529	22.93%
American Indian	3	264	0.35%
Asian	4	280	0.39%
Total Minority Participation	226	22,978	28.20%
Total Non-Minority Participation	637	58,496	71.80%
Total Contractor Workforce	863	81,474	100.00%

There was a contractor workforce of 81,474 total workforce hours and 1,975 total female workforce hours on SDA projects for the period of January 1, 2021 through January 31, 2021. The following table highlights the *Local County Contractor Workforce* participation for this period:

Local County Contractor Workforce Participation	Workforce Hours	Percentage
*Total Workforce Hours	81,474	100.00%
*Total Local County Workforce Hours	3,783	4.64%
Total Local County Non-Minority Workforce Hours	1,499	1.84%
Total Local County Female Workforce Hours	0	0.00%
Total Local County Minority Workforce Hours	2,284	2.80%
**Local County Workforce Hours by Ethnicity:		
Black	1,346	1.65%
Hispanic	890	1.09%
American Indian	0	0.00%
Asian	48	0.06 %

*Total workforce and total local county workforce represent all laborers including females.

**Minority breakdown represents Black, Hispanic, American Indian, and Asian laborers. Minority female laborers are captured as female laborers only and are not included in the minority breakdown.

The following table represents contractor minority and female workforce for all SDA active Capital Projects and all active and completed Emergent Projects for the period of January 1, 2021 through January 31, 2021.

SDA Managed Project	Total Workforce Hours	Minority Workforce Hours & Percentage		Local County Workforce Hours & Percentage	
Camden HS	19,440	3,945	20.29%	1,479	7.61%
Harrison ES	24	0	0.00%	0	0.00%
Port Monmouth Road School	1,748	712	40.73%	0	0.00%
Millville HS	9,576	1,903	19.87%	411	4.29%
Dayton Ave Campus	17,542	4,694	26.76%	632	3.60%
Union Ave MS	20,804	7,072	33.99%	246	1.18%
Cleveland ES	2,801	2,126	75.90%	0	0.00%
Orange HS	7,046	2,255	32.00%	272	3.86%
Perth Amboy HS	16	0	0.00%	0	0.00%
Emergent Projects	1,881	151	8.10%	743	39.50%

Prepared by: Charlotte Brooks
Zaida Olszak

REGULAR OPERATING DISTRICTS (RODs) ACTIVITY REPORT



MEMORANDUM

TO: Members of the Authority

FROM: Gregory Voronov
Managing Director, Program Operations

DATE: April 7, 2021

SUBJECT: Regular Operating District Grant Activity Report
(For Informational Purposes Only)

This report summarizes the Regular Operating District Grant activity from inception to date and for the months of February 2021. Also included is a detailed list of grants executed and grants offered during the reporting period.

Monthly Update:

- No grants were offered during the reporting period.
- No grants were executed during the reporting period.
- 3 grants impacting 3 districts were closed out during the reporting period representing \$4.9 million in total project costs and state share of \$2.9 million.
- Since inception, over \$2.9B has been disbursed to 524 regular operating districts through the grant program.
- Since inception over \$3.3B in funding has been approved by the Department of Education and offered to regular operating districts through the grant program.



SCHOOLS DEVELOPMENT AUTHORITY

Monthly Regular Operating District Grant Report - Summary

February 2021

ROD Grant Summary Since Program Inception				
	Offered ¹	Executed	Closed-Out	Active
Districts Impacted	-	524	517	70
Number of Grant Projects	-	5,405	5,140	265
Total Project Cost Estimate	\$ -	\$ 8,945,311,580	\$ 8,662,255,839	\$ 283,055,741
Grant Amount	\$ -	\$ 3,003,991,126	\$ 2,870,364,453	\$ 133,626,673
Amount Disbursed	N/A	\$ 2,938,301,923	\$ 2,870,364,453	\$ 67,937,471

Total Funding Offered to School Districts via Grant Program	\$ 3,342,209,450
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Total ROD Grant Funding remaining for new Grant Projects	\$ 80,749,956
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1. Includes grants that have been offered to District's but have not yet been executed.

Monthly Activity ROD Grant Summary		
	Executed	Closed-Out
Districts Impacted	-	3
Number of Grant Projects	-	3
Total Project Cost Estimate	\$ -	\$ 4,871,477
Grant Amount	\$ -	\$ 2,897,183
Amount Disbursed	NA	\$ 2,897,183

* Report is inclusive of all Regular Operating Districts grants (including vocational school districts).

** Total Project Cost Estimate and Grant Amount may be adjusted as the projects advance. Grant Amount is capped at the value approved in the DOE Final Eligible Cost Approval.

**NOTIFICATION OF AMENDMENTS TO GOODS AND SERVICES CONTRACTS NOT
EXCEEDING \$100,000 OR 10% OF THE CONTRACT VALUE (*no activity*)**

COMMUNICATIONS MONTHLY REPORT *(no report)*

MONTHLY FINANCIAL REPORT

**MEMORANDUM**

TO: Members of the Authority

FROM: Sherman E. Cole, MBA, CPA /s/
Controller

DATE: April 7, 2021

SUBJECT: Preliminary Monthly Financial Report – February 2021

The Office of the Chief Financial Officer is providing the attached monthly financial report to the Members of the Authority for their information. Included on pages 1 and 2 of this report is a “Financial Summary” of the Authority’s activities for the year. On pages 3 and 4 of the report is a summary of the Authority’s operating expenditures. Page 5 contains a breakdown of the Authority’s headcount information by department. The basic financial statements follow on pages 6 and 7.

Fund Reporting Operating Expenses (Year-to-Date Actual vs. Budget)

For February 2021 year to date, Authority operating expenses, **\$2.1M**, are **\$400K** lower than budget for the corresponding period. The variance is primarily related to lower year to date personnel costs, **\$76K**, resulting from the Authority having 6 fewer FTEs than budgeted, and lower expenses related to professional & other contracted services, **\$171K**, facilities and general office, **\$107K**, and information systems, **\$28K**.

Fund Reporting Operating Expenses (Year-to-Date Actual vs. Prior Year Actual)

For February 2021 year to date, Authority operating expenses, **\$2.1M**, are **\$125K** lower when compared to the corresponding prior year. The variance is mainly attributable to lower personnel costs resulting from the Authority having an average of 11 fewer FTEs as compared to the previous year.

School Facilities Project Expenditures (Year-to-Date Actual vs. Forecast)

For February 2021 year to date, project expenditures, **\$33.0M**, are **\$18.3M** lower than the capital spending forecast for the corresponding period. The variance is primarily the result of lower than forecasted construction activity **\$10.8M**, grants **\$5.7M**, design services **\$455K**, payroll expense allocation to project expenditures **\$404K**, project insurance **\$372K**, and property acquisitions **\$206K**.

School Facilities Project Expenditures (Year-to-Date Actual vs. Prior Year Actual)

For February 2021 year to date, project expenditures, **\$33.0M**, are lower by **\$14.2M** when compared to the corresponding prior year. The variance is attributable mainly to decreases in grants **\$8.5M**, construction activity **\$4.3M**, design services **\$680K**, school furniture & fixture purchases **\$463K**, and payroll expense allocation to project expenditures **\$183K**.

Other

Members of the Authority

April 7, 2021

Page 2

Since program inception, 89.2% of the funds authorized for the SDA Districts have been disbursed. Additionally, since program inception, 96% of all SDA disbursements relate to school facility projects and 4% relate to operating expense.

The estimated value of active school facilities, capital, emergent and ROD grant projects is approximately \$2B.

Attachment

New Jersey Schools Development Authority
Monthly Financial Report
February 2021
(Unaudited)

New Jersey Schools Development Authority

Overview of Financial Position

February 28, 2021

To: The Audit Committee

From: Sherman E. Cole, Controller

The information contained in this monthly financial report is for the period as of, and for the year-to-date ending, February 28, 2021.

► Overall **Cash and Cash Equivalents** have increased by \$314.2 million to \$582.8 million, as follows:

■ Receipt of bond and note proceeds (Issued by EDA)	\$ 350,000,000
■ Investment earnings	39,809
■ Miscellaneous revenue	2,000
■ Project costs	(32,987,110)
■ SDA operating expenses	(2,820,291)
■ SDA capital expenditures	(68,104)
■ Deposits (primarily district local shares)	26,302
Net Change in Cash	\$ 314,192,606

► **Prepaid Expenses** total \$611,521 as follows:

- Prepaid insurance of \$405,455.
- Prepaid rents of \$105,817 for the Authority's leased office space in Trenton and Newark.
- Prepaid MIS maintenance service contracts of \$70,175.
- Other prepaids of \$30,074.

► **Capital Assets** total \$1,452,774 (net of accumulated depreciation of \$6,961,709), consisting of leasehold improvements (SDA offices), and capitalized software, equipment, furniture and fixtures in support of SDA operations. Depreciation on capital assets is generally calculated using the straight-line method over the life of each asset. For the year to date, **Capital Expenditures** are \$56,620 and **Depreciation Expense** is \$101,559.

► **Accrued Liabilities** total \$102.9 million, as follows:

- Accrued project costs of \$43.6 million consisting of unpaid invoices (\$20.8 million) and retainage (\$22.8 million).
- Net pension liability of \$44.0 million & Accrued annual pension payable of \$2.8 million.
- Other post-employment benefits obligation of \$27.4 million.
- Pollution remediation obligations (PRO) under GASB 49 net to \$1.6 million (PRO liability \$3.1 million, offset by expected cost recoveries of \$1.5 million).
- Estimated liability for loss contingencies totaling \$0.2 million.
- Payroll related liabilities of \$2.0 million.
- Other accrued liabilities of \$0.4 million.

► **Deposits** total \$5.1 million, as follows:

- \$5.1 million is held for local share agreements (pass-through item).

► The Authority's **Net Position** at month end is \$464.6 million.

New Jersey Schools Development Authority

School Facilities Project Expenditures & Funding Allocation

February 28, 2021

► **School Facilities Construction Bond / Note Proceeds & Project Expenditures**

- During the current year to date, the SDA has received \$350.0 million bond and note proceeds. The total amount of proceeds received since program inception is \$11.498 billion.
- Project expenditures for the month and year-to-date periods total \$18.9 million and \$33.0 million, respectively, as follows:

<u>Category</u>	<u>Current Month</u>	<u>Current Year-To-Date</u>	<u>Since Program Inception</u>
Construction	\$ 16,047,118	\$ 28,304,176	\$ 5,320,681,595
Design Services	(261,226)	(112,980)	412,815,120
PMF/CM Services	400,474	1,043,123	469,565,185
SDA Project Management	814,889	1,614,158	112,239,456
Property Acquisition, Relocation & Enviro	278,138	313,738	584,079,961
School Furniture, Fixtures & Equipment	12,847	52,147	199,061,163
Project Insurance	-	28,406	112,685,312
NJ State Inter-Agency Transfers	-	-	52,122,502
SDA District Grant & Funding Agreements	104,195	104,195	878,875,958
Regular Operating District Grant Agreements	1,474,328	1,474,328	2,947,234,474
Real-Time Project Audits	-	36,506	664,506
Property Management, Maintenance & Utils	29,478	64,986	18,609,425
Outside Legal & Claims Resolution Services	33,937	44,260	11,393,181
Temporary Staffing	9,761	18,691	10,648,705
Other Project Costs	403	1,376	62,091,954
Project Credits	-	-	(54,902,944)
Total Project Expenditures	18,944,342	32,987,110	11,137,865,553
Less: Local Share Contributions	-	-	(185,112,439)
Project Expenditures (State Share)	\$ 18,944,342	\$ 32,987,110	\$ 10,952,753,114
2021 Capital Spending Forecast	\$ 25,860,316	\$ 51,334,630	

Allocations Since Program Inception

► **Program Funding & Expenditures**

	<u>Bonding Caps</u> ¹	<u>Total Funding</u> ²	<u>Paid to Date</u> ³
■ SDA Districts	\$ 8,900,000,000	\$ 9,026,915,984	\$ 8,055,356,164
■ Regular Operating Districts	3,450,000,000	3,500,233,723	3,271,265,073
■ Vocational Schools	150,000,000	152,007,487	122,526,035
Total - State Share	\$ 12,500,000,000	\$ 12,679,157,194	\$ 11,449,147,272

► **Percentage of Total Funding Paid to Date**

■ SDA Districts	89.2%
■ Regular Operating Districts	93.5%
■ Vocational Schools	80.6%
Total - State Share	90.3%

1 Of the \$12.5 billion authorized for the school construction program, \$11,847,702,648 principal amount of bond and note proceeds have been received to date.

2 Includes bonding cap amounts and other income and miscellaneous revenue earned to date (i.e., interest income on invested funds and State appropriations).

3 These amounts include the allocation of SDA operating expenses and capital expenditures totaling \$496,394,158.

New Jersey Schools Development Authority
Fund Reporting Operating Expenses vs Budget
February 28, 2021

<u>Category</u>	<u>Actual</u>	<u>Budget</u>	<u>Over/</u>
	<u>Year-To-Date</u>	<u>Year-To-Date</u>	<u>(Under)</u>
Personnel Expenses:			
Employee Salaries	\$ 2,341,638	\$ 2,704,320	\$ (362,682)
Employee Benefits	627,676	702,236	(74,560)
Direct Hire Temporary Employee Costs	-	8,074	(8,074)
Total Employee Salaries & Benefits Costs	2,969,314	3,414,630	(445,316)
Less: Employee Salaries & Benefits Costs			
Charged to Projects	1,614,158	2,018,366	(404,208)
Salaries & Benefits Charged to Operating Expense	1,355,156	1,396,264	(41,108)
Temporary Staffing Services	-	25,000	(25,000)
Travel & Expense Reimbursements	1,416	4,110	(2,694)
Training & Professional Development	8,110	15,690	(7,580)
Total Personnel Expenses	1,364,682	1,441,064	(76,382)
Non-Personnel Operating Expenses:			
Facilities & General Office Expenses	341,349	448,376	(107,027)
Information Systems	327,812	356,130	(28,318)
Professional & Other Contracted Services	15,297	186,184	(170,887)
Property & Casualty Insurance	66,959	67,714	(755)
SDA-Owned Automobiles	9,080	16,666	(7,586)
Communications & Outreach	-	500	(500)
Reserve for Unforeseen Events & New Initiatives	-	8,334	(8,334)
Total Authority Operating Expenses	\$ 2,125,179	\$ 2,524,968	\$ (399,789)
 2021 Annual Operating Budget		 \$ 16,292,294	

New Jersey Schools Development Authority
Capital Expenditures
February 28, 2021

Description of Capital Item:	Budget Year	Budget Amount	Capital Expenditures			Project Funds Not Required	Over/ (Under) Budget
			2021	Pre-2021 (1)	Total		
Leasehold Improvements		\$ -	\$ -	\$ -	\$ -	\$ -	-
Office Furniture & Equipment	(2)	-	56,620	-	56,620	-	56,620
PMWeb Computer Software System:							
Software & Development - Consulting	2018/2019	2,500,000	-	812,988	812,988	1,200,000	(487,012)
Development - SDA Staff Time	2019/2020	600,000	-	520,697	520,697		(79,303)
Development - SDA Staff Time Reallocated from Consulting	2021	-	-	-	-	(200,000)	(200,000)
Total Capital Items		\$ 3,100,000	\$ 56,620	\$ 1,333,685	\$ 1,390,305	\$ 1,000,000	

(1) Multi-year capital projects only.

New Jersey Schools Development Authority
Fund Reporting Operating Expenses vs Prior Year
February 28, 2021

<u>Category</u>	<u>Actual</u> <u>Year-To-Date</u>	<u>2020</u> <u>Year-To-Date</u>	<u>Over/</u> <u>(Under)</u>
Personnel Expenses:			
Employee Salaries	\$ 2,341,638	\$ 2,593,004	\$ (251,366)
Employee Benefits	627,676	669,857	(42,181)
Direct Hire Temporary Employee Costs	-	2,561	(2,561)
Total Employee Salaries & Benefits Costs	2,969,314	3,265,422	(296,108)
Less: Employee Salaries & Benefits Costs Charged to Projects	1,614,158	1,796,942	(182,784)
Salaries & Benefits Charged to Operating Expense	1,355,156	1,468,480	(113,324)
Temporary Staffing Services	-	-	-
Travel & Expense Reimbursements	1,416	1,358	58
Training & Professional Development	8,110	11,616	(3,506)
Total Personnel Expenses	1,364,682	1,481,454	(116,772)
Non-Personnel Operating Expenses:			
Facilities & General Office Expenses	341,349	390,671	(49,322)
Information Systems	327,812	248,311	79,501
Professional & Other Contracted Services	15,297	61,352	(46,055)
Property & Casualty Insurance	66,959	59,160	7,799
SDA-Owned Automobiles	9,080	9,288	(208)
Communications & Outreach	-	-	-
Reserve for Unforeseen Events & New Initiatives	-	-	-
Total Authority Operating Expenses	\$ 2,125,179	\$ 2,250,236	\$ (125,057)

New Jersey Schools Development Authority

Employee Headcount

February 28, 2021

	<u>Current Month End</u>	<u>Budget</u>	<u>Over/ (Under)</u>	
Office of Chief Executive Officer	3	4	(1)	
Human Resources	4	4	-	
Communications	2	2	-	
Information Systems	14	14	-	
Central Records Management	3	3	-	
Legislative Affairs	1	1	-	
Office of Program Operations & Strategic Planning	2	2	-	
Capital Planning & Program Operations	7	7	-	(1)
Design Studio	18	18	-	
Grants Administration	10	10	-	
Real Estate Services & Predevelopment	7	8	(1)	
Vendor Development	5	5	-	
Office of Construction Operations	0	0	-	
Project Teams	27	28	(1)	
Office of Corporate Governance & Legal Affairs	5	5	-	
Chief Counsel	8	9	(1)	
Safety	6	6	-	
Internal Audit	3	3	-	
Office of Chief Financial Officer	2	2	-	
Financial Operations	7	7	-	
Financial Accounting & Disbursements	11	11	-	
Procurement	8	10	(2)	(2)
Risk Management	8	8	-	
Property Management	4	4	-	
Facilities	4	4	-	
Total Full-Time Employees at Month End	<u>169</u>	<u>175</u>	<u>(6)</u>	
Total Full-Time Employees at Year End		<u>175</u>		

New Jersey Schools Development Authority
Statement of Net Position
February 28, 2021

Excludes 2020 GASB 68 Entries

	<u>Current Month End</u>	<u>2020 Year End</u>	<u>Over/ (Under)</u>
ASSETS			
Cash and Cash Equivalents	\$ 582,828,380	\$ 268,635,774	\$ 314,192,606
Receivables	41,260	41,180	80
Prepaid Expenses	611,521	227,090	384,431
Capital Assets (Net of Accumulated Depr.)	1,452,774	1,497,713	(44,939)
Total Assets	584,933,935	270,401,757	314,532,178
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Amount for Pensions & OPEB	14,083,375	14,083,375	-
TOTAL ASSETS & DEFERRED OUTFLOWS OF RESOURCES			
	\$ 599,017,310	\$ 284,485,132	\$ 314,532,178
LIABILITIES			
Accrued Project Costs	\$ 26,323,838	\$ 45,456,575	\$ (19,132,737)
Net Pension Liability	44,045,377	44,045,377	-
Accrued Other Post-Employment Benefits	27,441,366	27,307,940	133,426
Other Accrued Liabilities	5,114,811	5,436,894	(322,083)
Deposits	5,115,810	5,089,508	26,302
Total Liabilities	108,041,202	127,336,294	(19,295,092)
DEFERRED INFLOWS OF RESOURCES			
Deferred Amount for Pensions & OPEB	26,335,089	26,335,089	-
NET POSITION			
Invested in Capital Assets	1,452,774	1,497,713	(44,939)
Restricted for Schools Construction:			
Special Revenue Fund	463,188,245	129,316,036	333,872,209
Net Position	464,641,019	130,813,749	333,827,270
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES & NET POSITION			
	\$ 599,017,310	\$ 284,485,132	\$ 314,532,178

New Jersey Schools Development Authority
Statement of Activities
February 28, 2021

Excludes 2020 GASB 68 Entries

	<u>Current Year-To Date</u>	<u>2020 Year-To Date</u>	<u>Over/ (Under)</u>
REVENUES			
Program Revenues:			
Bond and Note Proceeds (Issued by EDA)	\$ 350,000,000	\$ -	\$ 350,000,000
Bidding Fees-Plans & Specs	-	-	-
General Revenues:			
Investment Earnings	39,809	1,488,489	(1,448,680)
Rental Income	2,000	7,000	(5,000)
Other Revenue-OPRA	-	-	-
Total Revenues	350,041,809	1,495,489	348,546,320
EXPENSES			
Administrative & General Expenses	2,258,605	2,591,497	(332,892)
Capital Depreciation	101,559	29,175	72,384
School Facilities Project Costs	13,854,375	23,167,126	(9,312,751)
Total Expenses	16,214,539	25,787,798	(9,573,259)
 CHANGE IN NET POSITION	 333,827,270	 (24,292,309)	 358,119,579
Beginning of Period Net Position	130,813,749	434,338,673	(303,524,924)
 NET POSITION END OF PERIOD	\$ 464,641,019	\$ 410,046,364	\$ 54,594,655

DESIGN CONTRACT DE-OBLIGATIONS REPORT (*no activity*)

PUBLIC COMMENT STATEMENT

We will now begin the Public Comment Portion of the Meeting consistent with the New Jersey Open Public Meetings Act.

We would ask that any member of the public who wishes to address the Board limit their comments to 3 minutes. If there are multiple individuals from the same organization or district who wish to address the Board on the same matter, we would ask that you come up together to offer your remarks.

Please keep in mind that public comment is to afford citizens the opportunity to comment on matters pertinent to the Authority's business. Should you seek answers to questions on any topic, please contact the Authority at 609-943-4585 at your convenience.