

SOUTH JERSEY PORT CORPORATION



BOARD OF DIRECTORS MEETING March 28, 2022

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

1. APPROVAL OF MINUTES

Regular Open Meeting February 22, 2022
Closed Session Meeting February 22, 2022
Special Meeting Open Minutes March 8, 2022

**2. APPROVAL OF OPERATING BILLS
RESOLUTION 2022-03-0029**

**3. APPROVAL OF ADVANCE PAYMENT BILL LIST
RESOLUTION 2022-03-0030**

**4. APPROVAL OF CREDIT
RESOLUTION 2022-03-0031**

5. APPROVAL OF CHANGE ORDERS - NONE

**6. APPROVAL OF CONSTRUCTION FUND REQUISITIONS
RESOLUTION 2022-03-0032**

7. RECEIPT OF TREASURER'S REPORT

8. RECEIPT OF COUNSEL'S REPORT

9. RECEIPT OF EXECUTIVE DIRECTOR'S REPORT



10. ADDITIONAL AGENDA ITEMS REQUIRING BOARD ACTION:

ACTION ITEMS

- A. RESOLUTION 2022-03-0033: AUTHORIZATION TO APPROVE 2020 FINANCIAL AUDIT REPORT**

- B. RESOLUTION 2022-03-0034: AUTHORIZATION TO WRITE OFF ACCOUNTS RECEIVABLE**

- C. RESOLUTION 2022-03-0035: APPROVAL TO AWARD A CONTRACT TO NEW JERSEY BUSINESS SYSTEMS FOR A NEW PORT SECURITY CAMERA SYSTEM AT THE BALZANO AND BROADWAY TERMINALS**

- D. RESOLUTION 2022-03-0036: APPROVAL TO AWARD A CONTRACT TO SHI INTERNATIONAL CORPORATION FOR A NEW PORT SECURITY CAMERA SYSTEM AT THE BALZANO AND BROADWAY TERMINALS**

- E. RESOLUTION 2022-03-0037: APPROVAL TO AWARD CONTRACT FOR ROUTINE MAINTENANCE WORK ON THE PORT'S DRAINAGE SYSTEM**

- F. RESOLUTION 2022-03-0038: APPROVAL TO ISSUE AN RFP FOR PLANNING SERVICES TO EVALUATE THE POTENTIAL GROWTH MARKETS AND PORT READINESS FOR 2030 AT BALZANO AND BROADWAY MARINE TERMINALS, CAMDEN NJ – PORT VISION 2030**

- G. RESOLUTION 2022-03-0039: AUTHORIZATION TO AWARD RFP FOR HUMAN RESOURCES, PAYROLL, AND TIMEKEEPING SOFTWARE**



H. RESOLUTION 2022-03-0040: APPROVAL FOR SJPC CEO TO SIGN HOLCIM REMEDIAL ACTION PERMIT APPLICATION AND SETTLEMENT AGREEMENT TO RESOLVE PENDING LITIGATION

10. SUPPLEMENTAL BOARD INFORMATION:

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

PUBLIC SESSION FOR QUESTIONS / COMMENTS

12. CLOSED SESSION AND/OR ADJOURNMENT



ACTION ITEM:

A. RESOLUTION 2022-03-0033: AUTHORIZATION TO APPROVE 2020 FINANCIAL AUDIT REPORT

REQUEST

Staff is requesting Board approval to approve the 2020 Financial Audit Report.

BACKGROUND

As required under Executive Order #122, our Board's Audit Committee has received and reviewed the draft 2020 Financial Audit Report.

The auditors have issued what is equivalent to an unmodified opinion for the 2020 Audit Report for fiscal year ending December 31, 2020.

RECOMMENDATION

The Board Audit Committee and Staff recommend acceptance of the 2020 Financial Audit and approval of the resolution certifying that each member of the SJPC Board of Directors has reviewed the audit report.



ACTION ITEM:

B. RESOLUTION 2022-03-0034: AUTHORIZATION TO WRITE OFF ACCOUNTS RECEIVABLE

REQUEST

Staff is requesting Board approval to write off the accounts receivable for Kurt Orban Partners.

BACKGROUND

SJPC accounts receivable are monitored on a regular basis. We have identified one customer, Kurt Orban Partners, that has filed for bankruptcy. The amount owed is \$11,431.71.

This customer left behind cargo when they went into receivership. Staff worked with maritime counsel to obtain title to the cargo. SJPC was able to identify a buyer and sell the cargo for \$2,259.00. The sale proceeds were applied against the balance owed.

The net amount remaining on the books is \$9,172.71. We propose to write the balance off the books. Please be aware that the SJPC is sufficiently reserved to absorb the entry and there will be no impact on current operating income.

RECOMMENDATION

Staff recommends Board approval of the above-referenced receivable to be written off.



ACTION ITEM:

C. RESOLUTION 2022-03-0035: APPROVAL TO AWARD A CONTRACT TO NEW JERSEY BUSINESS SYSTEMS FOR A NEW PORT SECURITY CAMERA SYSTEM AT THE BALZANO AND BROADWAY TERMINALS

REQUEST

Staff is requesting Board approval to award a contract to New Jersey Business Systems for system design, installation, and networking components for a new port security camera system at the Balzano and Broadway marine terminals.

BACKGROUND

SJPC had identified the need for an updated camera-based security system in order to enhance port security at the two Camden marine terminals.

SJPC applied for and was awarded a Port Security Grant from the U.S. Department of Homeland Security in September 2021, in the amount of \$349,650.00. As a condition of the grant award, SJPC is required to contribute a cost match in the amount of \$116,550.00 of non-Federal funds, or 25% of the total estimated project costs of \$466,200.00.

SJPC is purchasing the system through two separate cooperative purchasing agreements.

NJ State Cooperative Purchasing Wireless Contract T0109/83899 for the engineering, installation, and networking components, and Sourcewell contract 081419-SHI for the camera equipment.

The contract award covered by this resolution is for the system design, installation, and networking components. A second contract under a second Board Action resolution will provide the camera equipment.

The total project budget is summarized as follows:

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	<u>NJ Bus Systems</u>	<u>SHI International</u>	<u>Total</u>
Engineering	\$ 18,000		\$ 18,000
Installation	\$ 133,250		\$ 133,250
Network Equipment	\$ 23,874		\$ 23,874
Camera Equipment		\$ 280,009	\$ 280,009
Total	\$ 175,124	\$ 280,009	\$ 455,133

RECOMMENDATION

Staff recommends Board approval to award a contract to New Jersey Business Systems for system design, installation, and networking components for a new port security camera system at the Balzano and Broadway marine terminals in the amount of \$175,124.40.



ACTION ITEM:

D. RESOLUTION 2022-03-0036: APPROVAL TO AWARD A CONTRACT TO SHI INTERNATIONAL CORPORATION FOR A NEW PORT SECURITY CAMERA SYSTEM AT THE BALZANO AND BROADWAY TERMINALS

REQUEST

Staff is requesting Board approval to award a contract to SHI International Corporation for supply of the camera equipment for a new port security camera system at the Balzano and Broadway marine terminals.

BACKGROUND

SJPC had identified the need for an updated camera-based security system in order to enhance port security at the two Camden marine terminals.

SJPC applied for and was awarded a Port Security Grant from the U.S. Department of Homeland Security in September 2021, in the amount of \$349,650.00. As a condition of the grant award, SJPC is required to contribute a cost match in the amount of \$116,550.00 of non-Federal funds, or 25% of the total estimated project costs of \$466,200.00.

SJPC is purchasing the system through two separate cooperative purchasing agreements.

NJ State Cooperative Purchasing Wireless Contract T0109/83899 for the engineering, installation, and networking components, and Sourcewell contract 081419-SHI for the camera equipment.

The contract award covered by this resolution is for the bill of materials for the camera equipment for the system. A second contract under a second Board Action resolution will provide the engineering, networking equipment, and installation.

The total project budget is summarized as follows:

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	<u>NJ Bus Systems</u>	<u>SHI International</u>	<u>Total</u>
Engineering	\$ 18,000		\$ 18,000
Installation	\$ 133,250		\$ 133,250
Network Equipment	\$ 23,874		\$ 23,874
Camera Equipment		\$ 280,009	\$ 280,009
Total	\$ 175,124	\$ 280,009	\$ 455,133

RECOMMENDATION:

Staff recommends Board approval to award a contract to SHI International Corporation for supply of camera equipment for a new port security camera system at the Balzano and Broadway marine terminals in the amount of \$280,008.65.



ACTION ITEM:

E. RESOLUTION 2022-03-0037: APPROVAL TO AWARD CONTRACT FOR ROUTINE MAINTENANCE WORK ON THE PORT'S DRAINAGE SYSTEM

REQUEST

Pursuant to the Board's Authorization: RESOLUTION 2022-01-0011 - APPROVAL TO ISSUE AN RFP FOR ROUTINE MAINTENANCE WORK ON THE PORT'S DRAINAGE SYSTEM, an RFP was issued soliciting construction bids to provide maintenance cleaning services for the drainage systems at the Camden Marine Terminals. Staff is now requesting Board approval to award a contract for drain cleaning services at the Balzano and Broadway Marine Terminals for period of one year with an optional one-year extension.

BACKGROUND

An RFP for drainage system cleaning services was advertised on February 9, 2022, and the following three (3) bids were received on March 1, 2022:

Bidder Name and Address	Daily Base Labor & Equipment Rate
WRS Environmental Services Moorestown, NJ	\$2,315 + \$125/ton disposal
Mount Construction, Inc. Berlin, NJ	\$4,100 + \$1,400 daily water truck
Mobile Dredging and Video Pipe, Inc. Newfield, NJ	\$6,500 + \$250/ ton disposal

This contract will require the drainage system cleaning services on a call-in basis with a spending limit not to exceed \$75,000 per year and an option to renew for one additional year for an additional \$75,000. An additional \$15,000 contingency per year is requested for disposal of any recovered materials that may test hazardous requiring controlled transportation and disposal at approved landfill facilities for such materials.

RECOMMENDATION

Staff is recommending Board Approval to award the drainage system cleaning services contract to WRS Environmental Services for the one year not to exceed amount of \$75,000 and up to an additional \$15,000 for disposal of materials tested and found to be

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hazardous, with an option to renew for a second year at the not to exceed amount of \$75,000 and an additional \$15,000 for materials found to be hazardous.



ACTION ITEM:

F. RESOLUTION 2022-03-0038: APPROVAL TO ISSUE AN RFP FOR PLANNING SERVICES TO EVALUATE THE POTENTIAL GROWTH MARKETS AND PORT READINESS FOR 2030 AT BALZANO AND BROADWAY MARINE TERMINALS, CAMDEN NJ – PORT VISION 2030

REQUEST

Staff is requesting Board approval to issue an RFP to the Port Planning, and Marine Engineering prequalified list of firms to perform planning and conceptual design services to address port readiness to meet the region's future maritime cargo handling needs in 2030 at the Balzano and Broadway Marine Terminals.

BACKGROUND

The Balzano and Broadway Marine Terminals have predominantly operated as a break bulk break and bulk cargo handling port with some light and heavy manufacturing facilities over the last few decades. For any modern port to succeed and continue to meet the needs of the region it serves and its customers, it must adapt to the changes in the shipping industry, seeking growth opportunities in existing markets and new evolving markets. Port operational strategies and multiagency cooperation are important, especially since the Camden terminals are strategically located between NYC and Baltimore.

Creating a strategic path forward to ensure the proper investments are made through a robust capital plan at the two Camden terminals will enable them to function efficiently based on projected growth and opportunities in 2030. Both terminals are operating at maximum capacity and have had to turn away significant cargo opportunities due to continued strong market demand caused by a resurgence in manufacturing and more favorable breakbulk vs container shipping rates. Given these facts, the study will also evaluate adjacent and nearby expansion space as well any additional available waterfront locations for redevelopment as a future marine terminal.

The anticipated cost is \$500,000.

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RECOMMENDATION:

Staff recommends Board approval to solicit an RFP to the Port Planning and Marine Engineering list of prequalified design firms to perform port planning and conceptual design services for the market evaluations and port infrastructure readiness to meet the maritime cargo handling needs of the region in 2030.



ACTION ITEM:

G. RESOLUTION 2022-03-0039: AUTHORIZATION TO AWARD RFP FOR HUMAN RESOURCES, PAYROLL, AND TIMEKEEPING SOFTWARE

REQUEST

Staff is requesting Board approval to award the HRIS RFP to Primepoint LLC.

BACKGROUND

Staff is presenting the results of the Request for Proposals for Human Resources, Payroll, and Timekeeping Software. SJPC currently uses two different software programs to conduct human resources, payroll, and timekeeping. These software programs are not integrated, which often leads to duplicate, time-consuming work and data entry. Supervisors rely on weekly and monthly reports on matters such as paid leave balances, equipment training hours, and probation, to name a few, and these reports require tedious manual updating.

With staff spread out over two terminals and four union contracts, plus non-represented staff, and with some overtime-earning staff on 24-hour rotations, timekeeping is very complicated and time-consuming.

Staff is seeking an integrated software suite that will seamlessly provide information to both management and employees, such as:

- a. Payroll
- b. Time and attendance
- c. Benefits Administration
- d. Recruiting / Applicant Tracking
- e. Onboarding
- f. Position Management
- g. Employee Engagement

Proposals were due on Wednesday, February 23, 2022 by 11:00 a.m. The following proposals were received:

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Bidder Name and Address	Amount
<p style="text-align: center;">ADP 740 Hamilton Street Allentown, PA 18101</p>	<p>Annual Rate: \$38,579.64 Implementation Cost: \$1,250.00</p> <p>Incomplete Bid – Bid did not contain Bid Security, Acknowledgement of Addenda, or answers to the questionnaire. In addition, the Required Documents were modified by the vendor and included an Award of Contract Disclaimer that released them of the terms and conditions of the bid document.</p>
<p style="text-align: center;">Primepoint LLC 2 Springside Road Westampton, NJ 08060</p>	<p>Annual Rate: \$43,127.50 Implementation Cost: \$13,500.00 3-Year Lump Sum Total: \$142,882.50</p>

RECOMMENDATION:

Staff recommends Board approval to award the Human Resources, Payroll, and Timekeeping Software RFP to Primepoint LLC of Westampton, NJ.



ACTION ITEM:

H. RESOLUTION 2022-03-0040: APPROVAL FOR SJPC CEO TO SIGN HOLCIM REMEDIAL ACTION PERMIT APPLICATION AND SETTLEMENT AGREEMENT TO RESOLVE PENDING LITIGATION

Request

SJPC staff is requesting Board approval to sign the Remedial Action Permit application required for Holcim's compliance with the New Jersey Department of Environmental Protection's Industrial Site Recovery Act (ISRA) requirements at the Broadway Terminal as well as to sign settlement documents resolving pending litigation regarding the same.

Background

The site in question comprises approximately 23 acres at the Broadway Terminal. When the site was originally acquired by SJPC in 1968 there existed historic soils and petroleum coke contamination that was capped prior to the original 1999 lease to St. Lawrence Cement. The lease has been assigned several times, with the current tenant being Lehigh Hanson. Holcim was the most recent tenant prior to Lehigh, having assigned the lease to Lehigh in 2015.

NJDEP's ISRA (N.J.S.A. 13:1K-6 et seq.) requires owners and/or operators of facilities with specific industrial classifications (NAICS codes) to take certain steps prior to property transfers when the business ceases operations or is sold. The lease assignment from Holcim to Lehigh triggered these requirements.

Holcim is therefore required to comply with the ISRA requirements regarding the present site conditions including the remedial cap, and in so doing retained a Licensed Site Remediation Professional (LSRP) to perform the required investigations. Their LSRP then issued a summary report indicating that there has been no disturbance of the cap, and this report will accompany the Remedial Action Permit application with the expectation of the DEP issuing the Remedial Action Permit and Holcim's LSRP thereafter issuing a Response Action Outcome (RAO) confirming that the site is in compliance. In connection with these efforts, Holcim commenced litigation in the Superior Court in Camden County seeking to expedite the execution of the Remedial Action Permit application as well as seeking alleged damages. Outside counsel represented the SJPC in

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connection with these issues and through negotiations with counsel for Holcim, has reached an agreement, pending Board approval, whereby the SJPC will execute the Remedial Action Permit application and Holcim will dismiss the pending litigation. The Remedial Action Permit application form is required to be signed by the site's owner (SJPC).

SJPC will then determine whether it or the current lessee will assume responsibility for the ongoing bi-annual reporting requirements, estimated to cost approximately \$8,000 to \$9,000 every two years. A Financial Assurance for the anticipated costs of future bi-annual activities is also required, but if SJPC assumes the reporting responsibility, it will apply for an exemption as a government entity.

Recommendation:

SJPC staff is requesting Board approval for the Executive Director to sign the Remedial Action Permit application required for Holcim's compliance with NJ DEP's ISRA requirements at the Broadway Terminal and to execute settlement documents approved by counsel which will result in the dismissal of pending litigation.



INFORMATION ITEM:

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

PHOENIX STRATEGIES/ARTLIP COMMUNICATIONS REPORT ATTACHED.

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INFORMATION ITEM:

J. SECURITY UPDATE:



INFORMATION ITEM:

K. PAULSBORO MARINE TERMINAL PROJECT UPDATES

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



MATTERS INVOLVING LITIGATION, PERSONNEL MATTERS & SPECIAL MATTERS

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

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